

CALIFORNIA COASTAL COMMISSION

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 Staff: SIR-LB
 Staff Report: January 16, 1998
 Hearing Date: February 3-6, 1998
 Commission Action:

STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE AND DE NOVO

APPEAL NUMBER: A-5-HNB-97-344

LOCAL GOVERNMENT: City of Huntington Beach

DECISION: Approval with special conditions.

APPLICANT: City of Huntington Beach

AGENT: Bob Hidusky

PROJECT LOCATION: Intrepid Lane and Remora Drive in the City of Huntington Beach, County of Orange

PROJECT DESCRIPTION: The establishment of a preferential parking district on Intrepid Lane and Remora Drive from 6:00 PM to 6:00 AM on weekdays, and from 10:00 PM to 6:00 AM on weekends.

APPELLANTS: Sunset Beach Community Association, Sunset Beach Woman's Club, Francis Maywhort, and Phyllis Maywhort.

SUMMARY OF STAFF RECOMMENDATION
ISSUES TO BE RESOLVED

Staff recommends that the Commission, after conducting a public hearing, determine that a **SUBSTANTIAL ISSUE EXISTS** with respect to the grounds on which the appeal has been filed for the following reason: The proposed development is inconsistent with the public access policies of the LCP and the Coastal Act.

Staff recommends that the Commission at the **DE NOVO** hearing **DENY** the proposed project because it is not consistent with the public access and recreation policies of the Huntington beach LCP and the Coastal Act. The proposed preferential parking district would reduce the ability of the general public to use available on-street public parking to access the water at Huntington Harbour and to frequent adjacent visitor serving commercial establishments along Pacific Coast Highway by limiting public parking. Additionally, the subject site already has an existing restrictive preferential parking district. The creation of the new district would result in an additional incremental loss of the public's ability to use and enjoy the coastal and recreational facilities of the area due to further restriction on public parking.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Program for the City of Huntington Beach
2. City of Huntington Beach files for Coastal Development Permit 85-29 and Coastal Development Permit 97-22
3. Coastal Commission Appeal A-5-VEN-97-183
4. Coastal Commission Appeal A-5-LOB-97-259

LIST OF EXHIBITS

1. Project Site
2. Graphic Depicting the Hours of Operation of the Existing and Proposed Preferential Parking Districts.
3. Copy of City of Huntington Beach "Notice of Action" for Coastal Development Permit 97-22
4. Copy of the Appeal by the Sunset Beach Community Association. The other appeals have not been copied since the submitted appeals are identical.
5. Sunset Beach Woman's Club letter of November 3, 1997.
6. Sunset Beach Community Association letter of January 14, 1998.

I. STAFF RECOMMENDATION - MOTIONS AND RESOLUTIONS

A. MOTION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission find that Appeal No. A-5-HNB-97-344 of the City of Huntington Beach's action of approval of Coastal Development Permit 97-22, raises **SUBSTANTIAL ISSUE** with the grounds listed in Section 30603(b) of the Coastal Act.

RESOLUTION:

The Commission determines that substantial issue exists as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Public Resources Code Section 30603, as discussed in the following findings.

MOTION:

*I move that the Commission determine that Appeal No. A-5-HNB-97-344 raises **NO** substantial issue as to conformity with the certified Local Coastal Program for the City of Huntington Beach.*

Staff recommends a **NO** vote. This would result in the finding of substantial issue and the adoption of the following findings and declarations. A majority of Commissioners present is required to pass the motion

B. RESOLUTION FOR DE NOVO PERMIT

RESOLUTION

Staff recommends that the Commission adopt the following resolution:

The Commission hereby **DENIES** a permit for the proposed development on the grounds that it does not conform to the City of Huntington Beach certified Local Coastal Program and is not in conformance with the public access policies contained in the Coastal Act, is located between the first public road paralleling the sea, and would have adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. APPELLANT CONTENTIONS

City of Huntington Beach local coastal development permit 97-22 approved, with conditions, the establishment of a preferential parking district for City of Huntington Beach residents who live on Intrepid Lane and Remora Drive. The City's approval of the proposed parking district was appealed on November 3, 1997 by the Sunset Beach Community Association. While the appeal period ran, additional appeals were received from the: Sunset Beach Women's Club, Francis Maywhort, Phyllis Maywhort, Gerald Jones, James Caslin, Silvia Faris, Robert Faris, and Eugene Chrzanowski. The appeal period expired on November 14, 1997. The appeal of David Havins and Vikki Havins was received after the close of the appeal period.

On December 23, 1997 the Commission received from the City of Huntington Beach a copy of the file for CDP 97-22. Commission staff reviewed the file and could not find a record of Silvia Faris, Robert Faris, and Eugene Chrzanowski participating at the local level. Therefore, Silvia Faris, Robert Faris, and Eugene Chrzanowski do not constitute qualified appellants. Additionally, the appeal of Gerald Jones simply requests that CDP 85-29 issued by the City of Huntington Beach be overturned by the Coastal Commission. Mr. Jones contends that the preferential parking district allowed by CDP 85-29 is not valid. Commission staff is examining this issue and will report back to the Commission. However, CDP 85-29 is not before the Commission at this time. Therefore Gerald Jones' appeal is not valid.

The qualified appellants are the Sunset Beach Community Association, the Sunset Beach Women's Club, Francis Maywhort, and Phyllis Maywhort. Each of these appellants submitted the same rationale for appealing the City of Huntington Beach's decision to institute a preferential parking district. The appellants contend that the parking district is not in conformance with the City's Local Coastal Program and the access policies of the Coastal Act for the following reasons:

- 1) That it would adversely impact beach parking.
- 2) That low-cost recreational facilities should be protected.
- 3) That there is a high priority for land uses and facilities that serve the needs of visitors.

Additionally, the appellants contend that the parking study used to support the approval of the preferential parking district by the City of Huntington Beach is

flawed since it did not reveal peak demand and that the parking study misrepresented the walking distance to the beach. A copy of the appellants appeal is attached as Exhibit 4.

III. APPEAL PROCEDURES

A. STANDARD OF REVIEW

The Local Coastal Program for the City of Huntington Beach was effectively certified on March 15, 1984. As a result, the City has coastal development permit issuing authority over development located within its jurisdiction except for development located on tidelands, submerged lands, or public trust lands. Therefore, the standard of review for this substantial issue decision is the Local Coastal Program for the City of Huntington Beach.

Additionally, Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea shall include a specific finding that the development is in conformity with the public access policies of Chapter 3 of the Coastal Act.

B. APPEALABLE DEVELOPMENT

Pursuant to Section 30603(a) of the Coastal Act and Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance, only certain types of development may be appealed to the Coastal Commission. The types of appealable development include development that is between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tideline of the sea where there is not beach, whichever is the greatest distance.

The decision of the City of Huntington Beach to approve CDP 97-22 is appealable to the Commission because the proposed preferential parking district is on an island within Huntington Harbour and both Intrepid Lane and Remora Drive constitute the first public road. Thus, the parking district qualifies as an appealable development. Therefore the decision of the City of Huntington Beach to approve CDP 97-22 is appealable to the Commission.

C. GROUNDS FOR APPEAL

Pursuant to Section 30603(b) of the Coastal Act the grounds for appealing a coastal development permit to the Commission is an allegation that the development does not conform to the standards of the City of Huntington Beach's Local Coastal Program or the public access policies of Chapter 3 of the Coastal Act.

D. QUALIFICATIONS TO TESTIFY BEFORE THE COMMISSION

The criteria for who can speak before the Commission is different for the Substantial Issue Hearing and the De Novo Hearing. Section 13117 of the Commissions regulations which apply to the Substantial Issue hearing state: *"Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify at the Commission hearings at any state of the appeal process. All other persons may submit comments in writing to the Commission or executive director, copies or summaries of which shall be provided to all Commissioners pursuant to Sections 13060-13061."*

At the De Novo hearing, the matter is treated as if it were a new permit application and anyone can speak.

IV. LOCAL GOVERNMENT ACTIONS

On February 19, 1985, the Huntington Beach City Council established a preferential permit parking district for residents of Intrepid Land and Remora Drive. The district requires parking permits for those who park between the hours of 8:00 AM to 10:00 PM on Saturdays, Sundays, and Holidays. Following a petition submitted to the City Council by Bayview residents, the City Council on November 18, 1985 permitted County residents on Bayview drive the opportunity to obtain parking permits. Commission staff is looking into the issue of if CDP 85-29 is a valid permit and will report back to the Commission when the review has been completed. Exhibit 2 is a graphic which shows the hours of operation for both the existing and proposed preferential parking programs.

According to the City's staff report of October 20, 1997 development in Sunset Beach (which is outside the corporate limits of the City of Huntington Beach) has continued to create a parking problem for Huntington Beach residents on Intrepid Lane and Remora Drive. This parking problem, according to the City of

Huntington Beach has been caused by high density residential development occurring on Bayview (in Sunset Beach). As a consequence of a request by Huntington Beach residents, the Huntington Beach City Council approved CDP-97-22 on October 20, 1997.

Pursuant to Section 30621 of the Coastal Act, a hearing on a local coastal development permit appeal shall be set no later than 49 days after the date on which the appeal period was filed with the Commission. On November 21, 1997 the Commission received from the applicant, the City of Huntington Beach a waiver of the 49 day requirement.

V. FINDINGS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The establishment of a preferential parking district on Intrepid Lane and Remora Drive from 6:00 PM to 6:00 AM on weekdays, and from 10:00 PM to 6:00 AM on weekends. The new parking district will coincide with an existing parking district which requires permits between 8:00 AM and 10:00 PM on Saturdays, Sundays, and Holidays.

B. SUBSTANTIAL ISSUE ANALYSIS

The proposed project involves the establishment of a preferential parking district over the public streets of Intrepid Lane and Remora Drive. Intrepid and Remora Drive contain approximately 2,000 linear feet of public parking (total both sides). The actual figure would be less due to the presence of curb-cuts for driveways. A lack of public parking discourages visitors from coming to the beach and to other recreational and visitor serving commercial uses thereby resulting in an adverse impact to public access. The analysis of the proposed preferential parking district issue is complex. The concerns raised by a variety of project proponents and objectors are briefly summarized below.

- This parking district will be a new district which will work in conjunction with an existing parking district (see Exhibit 2). Thus this new district will result in a incremental decrease in the availability of what has been historically public parking.

- The new district will be in effect when most people normally do not visit the beach nor will it be in effect during normal business hours on weekdays. The new district will therefore have minimal daytime impacts. However, the preferential parking district includes and is adjacent to areas where the public can access the water. During the summer the sun sets well after 6:00 PM and this parking district will deprive the public of this coastal access opportunity
- The new district, since it begins at 6:00 PM, will adversely affect the availability of evening public parking for visitor serving commercial uses such as restaurants located on Pacific Coast Highway and parking for the Women's Club which is a community facility.
- The new district, according to the City of Huntington Beach, has been proposed since the Sunset Beach community has not adequately managed its parking responsibilities which has resulted in the residents of Intrepid Lane and Remora Drive having to accept the overflow parking responsibility.

Proponents of the parking district, at the City public hearing, stated that overflow parking onto Intrepid Lane and Remora Drive has been a long standing problem, that the residential development on Bayview has exceeded the parking capacity of Bayview, that recreational vehicles are parked on Intrepid Lane, that the Women's Club does not have on-site parking, and that people use Intrepid Lane for parking when going to nearby commercial development on Pacific Coast Highway. Exhibit 1 is a site map showing the relationship of Intrepid land, Remora Drive, and Bayview to each other.

In support of the preferential parking district the City of Huntington Beach conducted a parking study which covered the period from May 10, 1996 through July 19, 1996. The parking study sampled the available parking at 7:00 AM, 10:00 AM, and 3:00 PM. The parking study counted the number of empty parking stalls on Pacific Avenue in Sunset Beach on the ocean side of Pacific Coast Highway between Anderson and Warner Avenue. The study identified a total of 708 parking spaces as available and concluded that there was ample beach parking.

The appellants, however, contend that the parking study is flawed since it did not cover the noon hour nor did it cover the evening period. The failure of the parking study to skip the noon hour is not critical to this analysis as the time period in question is the evening period. Further, the issue is not simply access to the Pacific Ocean during the daytime, but public access to Huntington Harbour and

related visitor serving commercial opportunities in the evening. In terms of the evening period, Commission staff concurs with the appellants beliefs that the parking study did not adequately evaluate the impact of the proposed loss of parking on the public's ability to use coastal access points on Intrepid Lane, Remora Drive, and Bayview and also did not evaluate the evening public parking demand for the visitor serving commercial development along Pacific Coast Highway. For these reasons the parking study is not adequate as a basis for asserting that the proposed preferential parking district would be in conformance with the Huntington Beach LCP and the public access policies of the Coastal Act.

The appellants contend that the parking district proposed under CDP 97-22 will adversely affect beach access and that the Women's club provides a valid community use. The appeal notes that within easy walking distance of Intrepid Lane and Remora Drive that there is a City Park which is adjacent to the water where Intrepid Lane and Broadway intersect (Exhibit 1). Additionally there are a variety of visitor serving commercial establishments such as a kayak rental, boat rentals, pizza take-out restaurant, yacht sales, fine dining restaurants, and a bait shop. The appellants conclude that *"If this Coastal Development Permit is granted, the residents of Intrepid Lane and Remora Drive will have effectively turned their streets into private streets for themselves only."*

The Sunset Beach Woman's Club added in their appeal that the Club has been an integral part of the community since 1929 serving as a "Town Hall" and social meeting place. The Woman's clubhouse is used on a regular basis by the Sunset Beach Community Association, Sunset Beach Sanitary District and the Local Coastal Review Board. Other uses include Las Damas, memorial services, community gatherings, and the Sunset Beach Island Committee.

The Huntington Beach LCP observes that many visitors to the coastal zone are not city residents but visitors who are visiting in terms of one day outings or as part of a longer vacation trip. Pacific Coast Highway is a major coastal access route utilized for both local, commuter, and recreational traffic. Additionally, Sunset Beach, as a beach community, provides numerous commercial visitor serving opportunities. Visitor serving facilities include public and private developments that provide accommodations, restaurants, and retail sales catering to the tourist trade. Some of the commercial businesses are coastal dependent. Coastal Dependent uses include boat sales, a bait shop, and a kayak rental business.

In the Huntington Beach LCP the policies related to recreation and shoreline access are found in Section 9.5.1 of the Land Use Plan. Policy 2 of this section states *"Protect encourage and where feasible provide a variety of recreation facilities which provide opportunities for all income groups."* Subpolicy 2l states *"Encourage, were feasible, facilities and programs which increase and enhance*

public recreational opportunities in Huntington Harbor. Policy 4 of this section states *"Provide public access to coastal resources when possible"*. Subpolicy 4a(3) of Policy 4 states *"In no case shall development in any way diminish or interfere with the public's right of access to the sea were acquired through use or legislative authorization."*

The access policies of the Coastal Act are also considered in appeals. One of the strongest goals of the Coastal Act is to protect, provide, and enhance public access. Several Coastal Act policies require the Commission to protect access. Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. Section 30212.5 requires that public facilities such as parking be distributed throughout an area to mitigate against the impacts of overcrowding or overuse of any single area. Finally, Section 30213 calls for the protection of lower cost visitor and recreational opportunities.

In this case the proposed preferential parking district is not in conformity with the above policies for three basic reasons. First, Intrepid Lane, Remora Drive, and Bayview are located on an island. Public access to the sea is provided at several locations. A public park is located on the seaward side of the intersection of Intrepid Lane and Broadway. This park is immediately adjacent to the water and is in the City of Huntington Beach. Access opportunities immediately outside the City Limits of Huntington Beach and within easy walking distance of the proposed preferential parking district include the bridge on Broadway which crosses a water channel, and five street ends intersecting Bayview. The bridge and street ends are used for fishing. A little further away from the proposed preferential parking district is Pacific Coast Highway. There are a total of six coastal access points to Huntington Harbour along the inland side Pacific Coast Highway in the general vicinity of where Broadway intersect Pacific Coast Highway. The two larger access points to Huntington Harbour along Pacific Coast Highway are located at 11th Street and 16th Street. Parking for these six access points is highly competitive due to the limited availability of on-street parking and the presence of commercial establishments which lack adequate on-site parking. Two blocks further to the West of Pacific Coast Highway is the Pacific Ocean and Sunset County Beach. This beach is open from 6:00 AM to 10:00 PM.

Second, there are numerous visitor serving commercial opportunities along Pacific Coast Highway which qualify as coastal resources (even though they are outside the corporate limits of Huntington Beach). The Sunset Beach Community Association in a letter dated January 14, 1998 (see Exhibit 6) summarizes the visitor serving commercial opportunities. The visitor commercial opportunities are part of the beach experience when one visits coastal communities such a Sunset Beach. Beach communities attract many visitors and as such parking tends to be very competitive. The fact that the residents of Intrepid Lane and Remora Drive

have petitioned the City of Huntington Beach for the creation of the preferential parking program implies that the availability of public parking is highly competitive. Therefore, allowing the preferential parking district to be created would deprive the ability of the public to park which would discourage the public from visiting this beach community. This, in turn, would have an adverse impact on the visitor serving commercial establishments which are dependent on visitor patronage.

Third, the Sunset Beach Woman's Club has identified their facility as a pre-coastal development that has been serving the Sunset Beach Community since 1929 as a "Town Hall". The Woman's Club however, does not have any on-site parking. The preferential parking district would be immediately adjacent to this community facility. The proposed preferential parking district would reduce the ability of the public to park when attending community events held in the facility.

Staff is recommending that the Commission find substantial issue. The Huntington Beach Local Coastal Program acknowledges the need to protect the public's ability to access the sea. Additionally, the ability to partake in visitor serving commercial opportunities is part of the beach experience. During the summer months the public will be visiting the beach communities well past 6:00 PM which is the proposed starting time for the preferential parking district. The preferential parking district will consequently prevent the public from parking. In turn, the public would not be able to use the coastal access and visitor serving commercial opportunities identified above. Thus the proposed preferential parking district is not in conformance with the Huntington Beach LCP policies cited above nor is it in conformance with the public access policies of the Coastal Act. Additionally, the proposed preferential parking district (when considered in terms of the fact that the area already possess a preferential parking district) will have an incremental and cumulative effect of depriving the public of the availability to use public streets.

In conclusion, the stated intent of the proposed preferential parking district is to limit on-street parking to residents. The rest of the general public would be excluded from using the streets for parking. Allowing the preferential parking district in addition to the existing preferential parking district would constitute a cumulative incremental loss in public parking. If this second preferential parking district were to be allowed, a third parking district could eventually be proposed. Should a third parking district be proposed from 6:00 AM to 6:00 PM Monday through Friday, the public's ability to park on Intrepid Lane and Remora Drive could be totally eliminated and the public's ability to access the Huntington Harbour including the visitor and community facilities in the area would be further hampered.

Therefore, staff recommends that the Commission find that a substantial issues exists with the approval of CDP 97-22 by the City of Huntington Beach on the grounds that it does not conform to the access policies of the Coastal Act and the policies of the City of Huntington Beach certified LCP regarding the protection of public access.

VI. DE NOVO STAFF REPORT AND RECOMMENDATION

The Commission finds and declares as follows:

A. ADOPTION OF SUBSTANTIAL ISSUE FINDINGS

The findings and declarations on substantial issue are herein incorporated by reference. Additionally, the project description (as stated in the Substantial Issue portion of this staff report) remains the same for the De Novo portion of the staff report.

B. COMMISSION ACTION ON OTHER PREFERENTIAL PARKING PROGRAMS

The Commission has had before them a number of preferential parking programs. The Commission has approved the majority of the programs. While the approved programs regulated public parking, they did not prohibit all public parking in favor of exclusive residential use. Because the programs were designed or conditioned by the Commission to preserve adequate public parking, the Commission found the programs consistent with the access policies of the Coastal Act.

Preferential parking programs are attempts to resolve a conflict between competing users over who gets to use on-street parking. Usually the disputes are between residents and coastal visitors. The Commission has approved programs only when the Commission could find a balance between the parking needs of the residents and the general public without adversely impacting public access. For example, in permit #P-79-295 (City of Santa Cruz) and #5-82-251 (City of Hermosa Beach) preferential parking was approved with mitigation offered by the City or as conditions of approval that were required by the Commission to make available day use permits to the general public, remote parking and a shuttle system. In #3-83-209 (City of Santa Cruz) because of a lack of on-site parking for the residents within a heavily used visitor serving area and adequate nearby public parking the Commission approved the project to balance the needs of the residents with the general public without adversely impacting public access to the

area. In #3-87-42 (City of Capitola) the Commission approved the program for the visitor serving area (the Village) because it did not exclude the general public from parking in the Village but only limited the amount of time (2 hours) that a vehicle could park and the City provided additional long term parking nearby and within walking distance of the beach. However, preferential parking in the Neighborhood district located in the upland area was for the most part, not approved since it excluded the general public from parking. The only area within the Neighborhood district that was approved with parking restrictions were those areas immediately adjacent to vista points. In these areas, the Commission allowed the City to limit public parking to two-hour limits.

In August 1997, the Commission approved coastal development 5-96-059 for a preferential parking district in the City of Santa Monica. In that case, the Commission found that the proposed restrictions on public on-street parking could be approved because the streets were not heavily used by the general public for beach access and the hours of the parking restrictions were limited to the evening and night hours (6:00 PM to 8:00 AM) so that the area could still be used during the day for coastal access parking.

At the October 1997 hearing, the Commission denied a permit on appeal (A-5-LOB-97-259) for a preferential parking district with a one-hour public parking limit next to a popular beach in the City of Long Beach. The Commission denied the project on procedural grounds, but also found that the proposed one-hour parking limit would adversely impact the public's ability to access the beach.

At the November 1997 hearing, the Commission denied a permit on appeal (A-5-VEN-97-183) for a preferential parking district in Venice. The preferential parking district was denied as it would reduce the ability of the general public to use on-street parking for coastal access by limiting parking to four hours. The on-street parking supports public access to the public beach and lower cost recreation facilities along the Venice boardwalk.

Where a balance between residents and the general public could not be found and parking restrictions would adversely impact the public's opportunity to utilize coastal resources, the Commission has denied the preferential parking programs. If a parking district can be formulated so that private property owner concerns can be balanced with the public ability to utilize public on-street parking for access to coastal resources, the Commission may find such proposals consistent with the public access policies of the Coastal Act.

C. PUBLIC ACCESS

Pursuant to Section 30106 of the Coastal Act development includes a change in the kind or intensity of use of the land and changes in intensity of use of access to water. In this instance the change in the intensity of use of the land is converting the on-street parking spaces from public spaces to residential spaces. The affect of this change would be to adversely impact the ability of the general public to access the sea, to utilize the visitor serving commercial development along Pacific Coast Highway, and the ability of the Woman's Club (a community facility) to meet the needs of the Sunset Beach Community.

As described in the Substantial Issue analysis, the applicable coastal policies for evaluating the proposed preferential parking district include the Recreation and Shoreline Access chapter of the Huntington Beach LCP and the public access policies of the Coastal Act. Additionally Section 30604(c) of the Coastal Act requires that any coastal development permit issued for any development between the nearest public road and the sea shall include a specific finding that the development is in conformity with the public access and recreation policies of the Coastal Act.

The City, in approving the proposed preferential parking district found that the proposed project would not have an adverse impact on beach access. The conclusion was based on the City's finding that there was sufficient parking available for visitors wishing to visit the beach. However, this decision was appealed by residents of the Sunset Beach Community based on the projects adverse impacts on coastal access, adverse impacts to the visitor serving commercial development along Pacific Coast Highway, and the ability of a community facility, the Woman's Club, to provide a meeting site for the Sunset Beach Community. In the substantial issue analysis the Commission found that the proposed preferential parking district raised a substantial issue with the Huntington Beach LCP and the access policies of the Coastal Act.

The City determination that the proposed preferential parking district was consistent with the Huntington Beach LCP was based it's conclusion that there was sufficient day time public parking for the public when visiting Sunset County Beach on the Pacific coast. Though this may be true, the appellants have pointed out that the City did not fully evaluate the nature of the coastal access impacts. There is an evening public parking problem and there are adverse coastal access impacts within and adjacent to the proposed preferential parking district. The residents of Intrepid Lane and Remora Drive would not have petitioned the City of Huntington Beach for a preferential parking district had they not perceived of a parking problem. The minutes of the October 20, 1997 City Council meeting

(attached as Exhibit 3) supports the premise that there has been a long standing parking problem. This is supported by the fact that in 1985 the City of Huntington Beach approved a preferential parking program for the residents of Intrepid Lane and Remora Drive and have now proposed to extend the preferential parking program through the creation of a second "district". This extension would result in an incremental and cumulative loss of available public parking for coastal access and visitor serving commercial development.

As described in the substantial issue portion of this report. The Coastal Act and the Huntington Beach LCP promote development which both protects coastal access and provides visitors to the coast with a meaningful visiting experience. First, the proposed preferential parking district was shown in the substantial issue portion of this report to adversely affect access to the sea as the preferential parking program would not allow the general public to park on Intrepid Lane and Remora Drive. A public park is located at the intersection of Broadway and Intrepid Lane (Exhibit 1).

Second, visitor serving commercial developments are coastal attractants which add to the beach experience. In this particular case, significant commercial growth occurred on Pacific Coast Highway prior to the Coastal Act without the provision for adequate parking. Proponents of the preferential parking district have, for example, asserted that customers of Captain Jack's restaurant on Pacific Coast Highway park on Intrepid Lane and Remora Drive. According to the owner of Captain Jack's the restaurant was started in 1965 before many of the existing homes were built. Prior to the homes being built the public streets were used for parking as Captain Jack's does not have on-site parking except for employee parking. Captain Jack's, however, does lease some spaces for customer parking. In terms of patronage, the owner of Captain Jack's estimated that 15% of his patrons are international guest, that 75% are visitors from neighboring areas, and that 10% are local residents. The restaurant caters to approximately 5,000 to 6,000 patrons monthly and does all of its business in the evening. The restaurant opens at 4:30 PM. Captain Jack's also has a dock so that boaters can visit the restaurant.

Additionally, there are a variety of other visitor serving commercial development which serve the public. This include Portofino Harbour Cruises, Harpoon Harry's, Paoli's Pizza, Sunset Yacht Brokerage, Kites Etc., and Antiques of the Sea, Some of the businesses such as the yacht brokerage and kayak rental facility are coastal dependent.

Third, the Sunset Beach Woman's Club, is a pre-coastal use which lacks on site parking. This facility has been historically used by the Sunset Beach Community for community activities. Since the facility is immediately adjacent to the

proposed preferential parking district, the public's ability to attend community events would be hampered.

The Commission has approved preferential parking programs when there is a balance between the public good and rights of homeowners which does not result in a loss of the public's ability to access the sea or to otherwise enjoy the beach experience. In this case, the proposed preferential parking district would be for the sole benefit of the residents of Intrepid Lane and Remora Drive without a corresponding public benefit. Further, as previously noted, a preferential parking district was established in 1985 and the proposed preferential parking district would result in an incremental and cumulative loss of the public's ability to use the public streets for parking to access the sea and to partake in visitor serving commercial opportunities.

Alternatives exist to the proposed preferential parking program. For example, the hours of the parking district could be modified to avoid the time periods for when parking is a problem. A possible preferential parking district could cover the period from 10:00 PM to 6:00 AM so that the public could park on Intrepid Lane and Remora Drive at all other times including weekends and holidays. Another, alternative would be for the City of Huntington Beach and the Sunset Community to develop additional parking opportunities in Sunset Beach. The Commission therefore finds that the proposed preferential parking district is not consistent with the Huntington Beach LCP nor is it consistent with the access and recreation policies of the Coastal Act.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project is not consistent with the policies of the Huntington Beach Local Coastal Program and public access policies of the Coastal Act. There are feasible alternatives or mitigation measures available, such as revising the hours of the preferential parking district to avoid limiting coastal access and to avoid impacts to the visitor serving commercial development and the Woman's Club and

working with the Sunset Beach Community in developing additional parking, which would substantially lessen any significant adverse impact which the activity may have on the environment. The proposed project is found not consistent with CEQA, the Huntington Beach LCP and the policies of the Coastal Act. Therefore the project is denied.

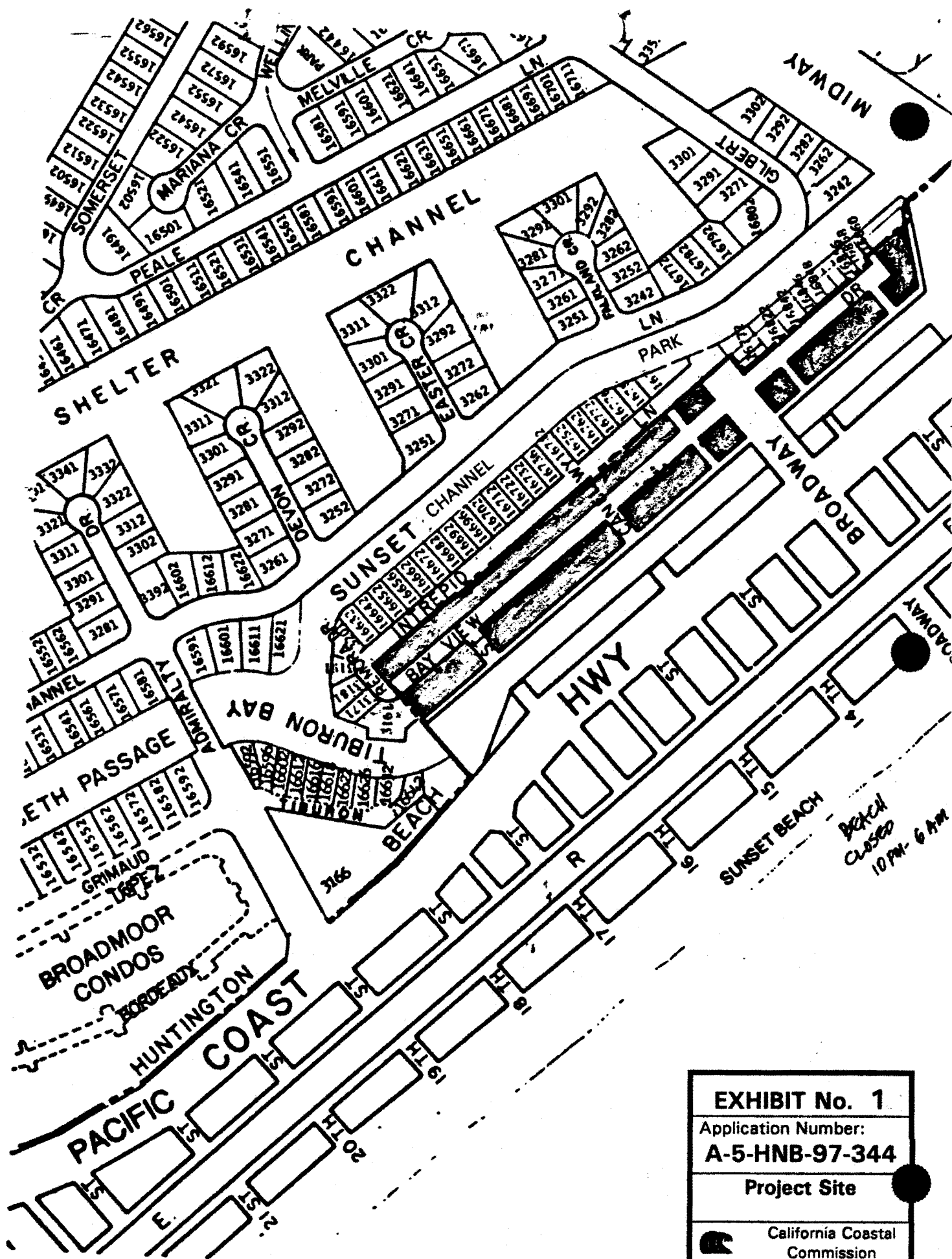



EXHIBIT No. 1
Application Number: A-5-HNB-97-344
Project Site
 California Coastal Commission

PREFERENTIAL PARKING DISTRICTS

	SUN	MON	TUES	WED	THU	FRI	SAT
12 AM							
2 AM			NEW	PERMIT	DIST.		
4 AM							
6 AM							
8 AM							
10 AM			NO	PERMIT	REQ'D		
12 noon							
2 PM							
4 PM							
6 PM							
8 PM			NEW	PERMIT	DIST.		
10 PM							

Existing district

Proposed district

EXHIBIT No. 2

Application Number:
A-5-HNB-97-344

Parking Districts

California Coastal
Commission



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

OFFICE OF THE CITY CLERK

CONNIE BROCKWAY
CITY CLERK

RECEIVED
NOV - 3 1997

CALIFORNIA
COASTAL COMMISSION

October 30, 1997


NOTICE OF ACTION

COASTAL DEVELOPMENT PERMIT NO. 97-7 APPEALABLE DEVELOPMENT

- Applicant:** City of Huntington Beach
- Request:** To establish a permit parking district on Intrepid Lane and Remora Drive from 6:00 PM - 6:00 AM on weekdays and from 10:00 PM - 6:00 AM on weekends. The new parking district will coincide with an existing parking district which requires permits between 8:00 AM - 10:00 PM on Saturdays, Sundays and holidays.
- Location:** Intrepid Lane and Remora Drive
- Environmental Status:** Categorically exempt from the provision of the California Environmental Quality Act
- Coastal Zone Status:** Notice is hereby given that the above item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 97-22 filed on August 5, 1997 in conjunction with the above request.

Your application was acted upon by the Huntington Beach City Council on October 20, 1997 and your request was:

- Approved
- Conditionally approved (see attached)
- Denied
- Withdrawn

EXHIBIT No. 3
Application Number: A-5-HNB-97-344
Notice of Action
 California Coastal Commission

Notice of Action
Coastal Development Permit
Page Two

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the City Council is final.

The City Council action on this Coastal Development is appealable to the Coastal Commission pursuant to Public Resources Code S. 30603 and California Administrative Code S. 13319, Title 14.

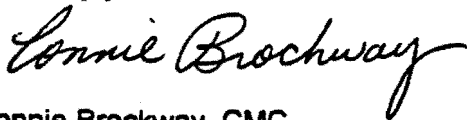
Pursuant to Public Resources Code S. 30603, an appeal by an aggrieved person must be filed in writing, and addressed to:

California Coastal Commission
Attn: Theresa Henry
245 W. Broadway, Suite 380
POB 1450
Long Beach, California 90801-1450

The appeal period begins when the commission receives this notice of action and continues for ten (10) working days. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Commission's review period and as to whether or not an appeal has been filed. Applicants are advised not to begin construction prior to that.

Provisions of the Huntington Beach Ordinance Code are such that an application becomes null and void one (1) year after the final approval unless actual construction has begun.

Sincerely yours,



Connie Brockway, CMC
City Clerk

Enclosure: Statement of Council Action—October 20, 1997 (originally mailed 10/24/97 together with Public Hearing documents)

cc: City Administrator
City Attorney
Community Development Director

STATEMENT OF ACTION OF THE CITY COUNCIL CITY OF HUNTINGTON BEACH

***** - Indicates Portions Of The Meeting Not Included In The Statement Of Action

Council Chamber, Civic Center
Huntington Beach, California
Monday, October 20, 1997

An audio tape recording of the 5:00 p.m. portion
of this meeting and a video tape recording of the 7:00 p.m. portion
of this meeting are on file in the Office of the City Clerk.

Mayor Bauer called the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

CITY COUNCIL/REDEVELOPMENT AGENCY ROLL CALL

Present: Julien, Harman, Dettloff, Bauer, Sullivan, Green, Garofalo
Absent: None

(CITY COUNCIL) PUBLIC HEARING - RESOLUTION NO. 97-74 - ADOPTED -
COASTAL DEVELOPMENT PERMIT NO. 97-7 - APPROVED - PERMIT PARKING
DISTRICT - INTREPID LANE - BROADWAY TO REMORA DRIVE AND REMORA
DRIVE FROM INTREPID LANE TO BAY VIEW DRIVE

The Mayor announced that this was the meeting set for a public hearing to consider the following:

Applicant: City of Huntington Beach

Request: To establish a permit parking district on Intrepid Lane and Remora Drive from 6:00 PM - 6:00 AM on weekdays and from 10:00 PM - 6:00 AM on weekends. The new parking district will coincide with an existing parking district which requires permits between 8:00 AM - 10:00 PM on Saturdays, Sundays and holidays.

Location: Intrepid Lane and Remora Drive

Environmental Status: Categorically exempt from the provision of the California Environmental Quality Act

Coastal Status: Notice is hereby given that the above item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 97-22 filed on August 5, 1997 in conjunction with the above request.

Page 2 - Statement of Action - City Council Meeting - 10/20/97

Notice is hereby given that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on the above item may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations or unless Title 14, Section 13573 of the California Administrative Code is applicable. The Coastal Commission's address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, Phone Number: (310) 570-5071.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

The Mayor announced that although Bayview Street is not reflected on the agenda that the part of Bayview Street that is in Huntington Beach is part of the area.

The Public Works Director, using slides, presented a staff report. He stated that this parking permit district would be in addition to an existing permit district. He presented background information on the existing district approved by Council in February, 1985 and revised in November, 1985 to offer permits to county residents in addition to city residents. He reported on the reasons for the proposed district. He reported on the coastal issues.

Councilmember Green requested that the Public Works Director respond to Supervisor Silva's communication dated October 20, 1997 regarding the Supervisor's concerns over the background information contained in the staff report relative to the county's involvement. The Public Works Director stated that to his knowledge the staff report is correct. The Public Works Director responded to Councilmember Green regarding Supervisor Silva's letter regarding the number of residents per home, stating that staff's recommendation is not on the basis of the number of illegal units but rather the impact on the area as a result of the overflow parking from those areas. At Councilmember Green's request, the Public Works Director clarified the staff report as it pertained to meetings held between county staff and residents of Bayview Street and Intrepid Lane, stating that these meeting issues were not issues that necessarily related to this specific issue but related to the illegal units and some of the other issues that the residents had with the county government. The Public Works Director stated it is his belief that even if those areas were corrected the parking problems would still ensue regardless of any change that might be made with the existing zoning. He stated that to his knowledge the county staff did not address the present concern of the city with the residents of Bayview Street.

Mayor Bauer declared the public hearing open.

The City Clerk announced that the following communications had been received relative to this public hearing:

Page 3 - Statement of Action - City Council Meeting - 10/20/97

Communication from the Sunset Beach Community Association Board dated October 20, 1997 informing Council of late notification and presenting a request for postponement

Slide Report from the Community Development Director dated October 20, 1997 regarding Coastal Development Permit No. 97-22 - Intrepid Lane Permit Parking District

Communication from James W. Silva, Supervisor, Second District, dated October 20, 1997 expressing his concern about the unique problems facing Sunset Island residents and the county's continuing efforts to work with all residents to resolve the current situation

Councilmember Sullivan suggested to the Council that for the purposes of this public hearing the speakers identify whether or not they are residents of Huntington Beach. In response to the Mayor, Deputy City Attorney Field responded that this is an appropriate request but is voluntary and persons may choose not to do so. The Mayor informed the speakers that they may or may not comment as to where they live as they prefer.

SALLY LUDLOW addressed Council and stated that before the houses were built there, there were no streets, no houses nor Intrepid Lane, so she does not feel that restricting the parking on that street is going to take anything away from the county residents because there was nothing there to begin with. Ms. Ludlow stated that she does not believe their street which is their front yard should be allowed to be the back alley of the county residents as they store their recreational vehicles, their boats with trailers and sometimes the trailers just by themselves. She stated that there was a large semi-van parked not too long ago on their street and their excess cars. Ms. Ludlow spoke regarding the need for the county to develop ways to solve their parking problem such as to buy a vacant lot for parking or use the ends of the streets and make them parking as she believes these areas belong to the county.

LLOYD CLAUSS stated reasons why he believes the request they are making is very appropriate, citing reasons including need for safety and their decreased property value. He stated that prior to the time of permits, he had a burglary at his residence. He stated that the situation is improving. Mr. Clauss stated that he believes the security is sliding during the week. He informed Council that the precedent has been set on North and South Pacific Street where there have been parking permits for a period of time. He distributed photos of North and South Pacific which he stated show this fact.

JOAN SHARPE spoke regarding the many changes she has seen on Bayview Street in the last 22 years in that there used to be a lot of lots and old cottages; that the vacant lots have disappeared and there are now apartment buildings and duplexes for which the county has not provided parking. She stated Intrepid Lane ends up with the big recreational vehicles and trailers that do not fit on Bayview Street in Sunset Beach. Ms. Sharpe stated that the Women's Club rents out their facilities and they do not have parking; also commercial development such as Captain Jack's restaurant use the street.

Page 4 - Statement of Action - City Council Meeting - 10/20/97

RICHARD LUDLOW informed Council that this has been a long-standing problem which has become intolerable in the last two years. He stated that Captain Jack's introduced valet parking which some people will not use; instead they use Intrepid Lane. Mr. Ludlow stated that the Women's Club is only approved for local community meetings but started renting their facility for court-ordered drug rehabilitation meetings, and people come from far away and a lot of those people drink before and after the meetings and do other things. He spoke regarding a survey of 40 illegal units on Bayview Street that have been reported to the county. He stated that there is a shed on city property which should be five feet from city property that should be torn down, and no action has been taken by the county. He spoke regarding vehicles stored on the street and large semis and other large vehicles parked on the street; that the time limit parking does not work as the vehicles are stored, citing an example of a motor home stored for six months being moved a few feet at a time. Mr. Ludlow referred to memorandums which have been provided to Council written by Mr. Hicks and Phyllis Mayhort stating the problems and their concern.

RICHARD TARANTINO spoke regarding the problems of the people sitting in their cars throwing out trash, bottles and undergarments. He stated that this is not good for the children. He stated that the people think they have a right to throw their trash out and that there has been verbal confrontation and he believes there will be physical confrontation.

ROSS RAUH spoke regarding the meeting held between Mayor Bauer, Supervisor Silva, the assistant to Supervisor Silva, and some residents from Huntington Beach and Sunset Beach on April 7, 1997 at which time the subject of a house on Bayview Street that was causing on-going problems and is a rental was discussed. He stated that following the meeting he believes that the house is to receive a permit for illegal units. He described his understanding that the owner is to be helped by the county to get an "as is" permit without providing parking or coastal permits and that it had been overheard by a few neighbors that the procedure to be used to obtain the permit is not for public knowledge.

GERALD JONES spoke in opposition to the proposed parking permit district. He presented background information, which he believes had not been brought out, relative to when the tract map for Intrepid Lane was approved in 1972 and the Sunset Beach and Bayview residents protested the density and requested the city to insist on full-size city minimum lots of 6,000 square feet and that this did not occur. He stated that Huntington Beach residents use the facilities and the businesses in Sunset Beach and that he sees cars with Huntington Harbour license plates at the Post Office and all the other businesses in town. He stated that when the staff did the parking study they apparently did not pay attention as to where the cars came from although he believes this would be very important. He stated that since he has seen the cars around town he has begun to suspect that Sunset Beach is probably the only free parking beach in the Huntington Beach area certainly and probably on the whole coast; that many of those cars in Sunset Beach are Huntington Beach residents. He stated if the residents of Intrepid Lane want to bar public parking on their streets in the interest of preventing

impaction on their residential streets then Sunset Beach should also make their streets for resident parking only to reduce the impact on their residential quality of life. He stated as a Huntington Beach resident and taxpayer he feels people should be able to park on the publicly maintained streets without any necessity of a permit; that if he wants to go to Captain Jack's, he hates to think he would have to get a one-day permit to go there if he wants. Mr. Jones stated that the Sunset Beach Local Coastal Plan and the Huntington Beach Local Coastal Plan require that the Local Coastal Plan provide for commercial visitor-serving uses such as eating establishments, boat rentals, T-shirt shops, visitor gift shops and that type of thing; that it would seem that this Coastal Development Permit violates the intent of the Local Coastal Plan by preventing parking on Intrepid Lane when six of these uses are within 600 feet of Intrepid Lane. He stated that the study only covered the distance of Intrepid Lane to the ocean front but there are many visitor-serving uses for beach people coming to the beach between Intrepid Lane and the beach.

The Mayor requested that Mr. Jones conclude his presentation as soon as possible as he has extended the three-minute time period. Mr. Jones responded that it was his understanding that the public notice had stated that items that are brought up at this meeting could be appealed to the Coastal Commission but if they were not they could not be. He questioned if he is going to be hampered by time he will not be able to present some of those things that might be appealable to the Coastal Commission. He questioned how this works. The Mayor informed Mr. Jones that whatever he wishes to appeal to the Coastal Commission may be appealed if he desires. Mr. Jones asked if this would be made a part of the minutes of this meeting, and the Mayor confirmed that it would.

There being no one further to speak on the matter and there being no further protests filed, either oral or written, the hearing was closed by the Mayor.

The Public Works Director responded to Mayor Pro Tem Dettloff's questions regarding the parking permit procedure for the residents on Remora Drive, Intrepid Lane and the part of Bayview Street that is in the city. Councilmember Garofalo stated that he believed the beauty of approving the staff recommendation to approve the Coastal Development Permit and the resolution is if the county does take some action the resolution can be repealed; that in light of the staff report and the public testimony, he is compelled to do what little policing that the city can to protect the city's residents and hopefully the rest of it will happen by some level of enforcement by the county.

A motion was made by Garofalo, second Green to approve the recommended action as follows:

1. Approve Coastal Development Permit No. 97-7 with Findings and Conditions of Approval as set forth in Attachment No. 2 to the Request for Council Action dated October 20, 1997 as follows:

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 97-7:

1. Coastal Development Permit No. 97-7 to establish a parking permit district on Intrepid Lane and Remora Drive from 6:00 PM to 6:00 AM on weekdays, and from 10:00 PM to 6:00 AM on weekends conforms with the plans, policies, requirements and standards of the Coastal Element of the General Plan. The proposed permit parking district will not impact public views or access to coastal resources. The area is provided with sufficient beach parking on the ocean side of Pacific Coast Highway.
2. Coastal Development Permit No. 97-7 is consistent with the CZ suffix zoning requirements, the RL Zoning District, as well as other provisions of the Huntington Beach Local Coastal Program applicable to the property. The proposed permit parking district will conform with all applicable City codes.
3. The permit parking district and existing public streets are provided with infrastructure in a manner that is consistent with the Coastal Element of the General Plan. All infrastructure currently exist.
4. The proposed permit parking district conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The parking district will not affect the available beach parking in the area. Ample beach parking is provided on Pacific Avenue, located on the ocean side of Pacific Coast Highway.
5. The proposed parking district will coincide with an existing parking district established in 1985 that requires permits between the hours of 8:00 AM and 10:00 PM on Saturdays, Sundays and holidays.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 97-7:

1. The permit parking district described in Resolution No. 97-74 and depicted on Attachment No. 1 to the RCA dated October 20, 1997 shall be the approved street segments.
2. The permit parking district shall apply during the following hours:

Monday - Friday	6:00 PM - 6:00 AM
Saturdays & Sundays	10:00 PM - 6:00 AM
3. The new parking district shall not affect the existing permit parking district established in 1985.

and

Page 7 - Statement of Action - City Council Meeting - 10/20/97

2. **Adopt Resolution No. 97-74 as set forth in Attachment No. 3 to the Request for Council Action dated October 20, 1997 - "A Resolution of the City Council of the City of Huntington Beach Establishing Parking Permit District 'F' Within The City of Huntington Beach" - with Findings and Conditions of Approval as set forth in Attachment No. 2 to the Request for Council Action dated October 20, 1997 as follows:**

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 97-7:

1. Coastal Development Permit No. 97-7 to establish a parking permit district on Intrepid Lane and Remora Drive from 6:00 PM to 6:00 AM on weekdays, and from 10:00 PM to 6:00 AM on weekends conforms with the plans, policies, requirements and standards of the Coastal Element of the General Plan. The proposed permit parking district will not impact public views or access to coastal resources. The area is provided with sufficient beach parking on the ocean side of Pacific Coast Highway.
2. Coastal Development Permit No. 97-7 is consistent with the CZ suffix zoning requirements, the RL Zoning District, as well as other provisions of the Huntington Beach Local Coastal Program applicable to the property. The proposed permit parking district will conform with all applicable City codes.
3. The permit parking district and existing public streets are provided with infrastructure in a manner that is consistent with the Coastal Element of the General Plan. All infrastructure currently exist.
4. The proposed permit parking district conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The parking district will not affect the available beach parking in the area. Ample beach parking is provided on Pacific Avenue, located on the ocean side of Pacific Coast Highway.
5. The proposed parking district will coincide with an existing parking district established in 1985 that requires permits between the hours of 8:00 AM and 10:00 PM on Saturdays, Sundays and holidays.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 97-7:

1. The permit parking district described in Resolution No. 97-74 and depicted on Attachment No. 1 to the RCA dated October 20, 1997 shall be the approved street segments.
2. The permit parking district shall apply during the following hours:

Monday - Friday	6:00 PM - 6:00 AM
Saturdays & Sundays	10:00 PM - 6:00 AM

Page 8 - Statement of Action - City Council Meeting - 10/20/97

3. The new parking district shall not affect the existing permit parking district established in 1985.

The motion carried by the following roll call vote:

AYES: Julien, Harman, Dettloff, Bauer, Sullivan, Green, Garofalo
NOES: None
ABSENT: None

Mayor Bauer adjourned the regular meetings of the City Council and the
Redevelopment Agency of the City of Huntington Beach to Thursday, October 23, 1997
at 6:30 p.m. at the Waterfront Hilton Resort, Pacific Room A, 21100 Pacific Coast
Highway, Huntington Beach, California 92648.

City Clerk and ex-officio Clerk of
the City Council of the City of
Huntington Beach, California

ATTEST:

City Clerk/Clerk

Mayor

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

I, Connie Brockway, the duly elected City Clerk of the City of Huntington Beach, California, do hereby certify that the above and foregoing is a true and correct Statement of Action of the City Council of said City at their regular meeting held on the 20th day of October, 1997.

Witness my hand and seal of the said City of Huntington Beach this the 27th day of October, 1997.

City Clerk and ex-officio Clerk of
the City Council of the City of
Huntington Beach, California

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
NOV - 3 1997



Please Review Attached Appeal Information Sheet Prior To Completion of This Form. CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s) Ref. #5-HNB-97-169

Attn.: Name, mailing address and telephone number of appellant(s): Mrs. Pat Thies, President

Sunset Beach Community Association
P. O. Box 215
Sunset Beach, CA 90742 (562) 592-1055
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Huntington Beach

2. Brief description of development being appealed: Coastal Development Permit No. 97-7 and Resolution 97-74 for Intrepid Lane Permit Parking District

3. Development's location (street address, assessor's parcel no., cross street, etc.): All of Intrepid Lane and Remora Drive and that portion of Bayview Drive located in the City of Huntington Beach.

4. Description of decision being appealed:

- a. Approval; no special conditions: Resolution No. 97-74
- b. Approval with special conditions: Resolution No. 97-74
- c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-HNB-97-344

DATE FILED: 11.3.97

DISTRICT: South Coast/Long Beach

H5: 4/88

EXHIBIT No. 4
Application Number:
A-5-HNB-97-344
Appeal
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: October 20, 1997

7. Local government's file number (if any): Resolution No. 97-74

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jerry Jones, 3442 Gilbert Dr., Huntington Beach 92649

(2) Letter to Mayor Ralph Bauer, City of Huntington Beach from Sunset Beach Community Assn., P. O. Box 215, Sunset Beach, CA 90742, dated & delivered on October 20, 1997.

(3) Letter to Mayor Ralph Bauer, City of Huntington Beach from Supervisor Jim Silva, 2nd District, 10 Civic Center Plaza, Santa Ana, CA 92702, dated and faxed October 20, 1997
cc: City Council Members

(4) Phyllis & Francis Maywhort
P. O. Box 198
Sunset Beach, CA 90742

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached Sheets (3 pages)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Sunset Beach Community Association
Pat Thies, President

Pat Thies

Signature of Appellant(s) or
Authorized Agent

Date October 31, 1997

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION IV. Reasons Supporting This Appeal

Coastal Development Permit No. 97-7 is in violation of the Coastal Element LCP of the City of Huntington Beach certified in March of 1985.

Section 2.2.3 Beach Parking: "The ability to accommodate recreational demand also includes the provision of adequate support facilities. . ."

Section 2.2.6 Low-Cost Recreation Facilities: "The Coastal Act requires that low-cost recreation facilities be protected, encouraged and, where feasible, provided in the coastal zone. . . The County's recreation study indicates that the most popular activities among lower income groups include beach visitation, ocean swimming, picnicking, bicycling and jogging. . ."

Section 2.2.9 Shoreline Access: ". . . Opportunities for public access to the waterways of Huntington Harbour are limited. Residential developments occupy much of the land area adjacent to the waterways. . ."

Section 3.1 Background ". . . The Coastal Act places a high priority on land uses and facilities that serve the needs of these visitors. Visitor-serving facilities include public and private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments."

Section 3.2 Analysis ". . . The coastal zone also contains a limited range of eating establishments with a large emphasis on luncheon-type and fast food facilities and fewer opportunities for a high quality evening dining experience. . ."

On page one of the City of Huntington Beach Request for Council Action, the following statement is made under Statement of Issue: "The Huntington Beach residents have contacted the City of Huntington Beach concerned over congested parking conditions on their streets caused by surrounding businesses, beach patrons, and adjacent properties in the County unincorporated area (Sunset Beach) that have little or no on-site parking. . ." This statement is a clear violation of Sections 2.2.3, 2.2.6 and 2.2.9 of the Huntington Beach LCP and of Section 30213 of the California Coastal Act "Lower cost visitor . . . facilities . . . shall be protected, encouraged, and where feasible, provided."

On page four of the Request for Council Action, the following statement appears: "The study concludes that even during the busiest times of the week, there is ample parking for beach goers and area residents. . ." This assertion is based on flawed and erroneous information. The Sunset Beach Parking Availability study appearing on D-1.22 through D-1.33 of the Request for Council Action indicates that the vehicle counts, spaces taken, and parking available were done at 7:00 AM, 10:00 AM and 3:00 PM. The actual hours of maximum demand for beach and water related parking occur between noon and 2:00 PM, and in the evening from 6:00 PM until midnight for visitor serving eating establishments. The results from the study do not reveal peak demand. In addition, the Huntington Beach LCP, Figure 2.4, page 18, counts 630 free parking spaces at Peter's Landing available for beach parking. "No Beach Parking" is now posted at Peter's Landing thus 630 parking spaces for beach goers have been eliminated.

On page D-1.4, the report states "The study indicates that street parking on Intrepid Lane and Remora Drive is not needed for beach goers. Furthermore, the average distance from Intrepid Lane and Remora Drive to the beach is approximately 1500 feet. . ." The true distance to the public waterway is 160', to the nearest public beach is 700' and to the ocean, 731'. Beach goers now park across Pacific Coast Highway from the beach on Admiralty Drive, Channel Lane and other streets on Admiralty Island that are at an even greater distance from the beach than Intrepid Lane and Remora Drive. The existing "No Parking" signs on Intrepid Lane and Remora Drive are both confusing and intimidating to beach visitors.

Some of the visitor serving uses in easy walking distance from Intrepid Lane and Remora Drive are kayak rentals, boat rentals, pizza take out restaurant, yacht sales, fine dining restaurant, cigar shop with food for sale, and bait shop. In addition, a Huntington Beach City park is located at the corner of Broadway and Intrepid Lane for which only limited parking would be available under this proposal.

It is important to consider that there are houses on only one side of Intrepid Lane and Remora Drive. The other side is approximately 950' feet in length has no houses whatsoever.

If this Coastal Development Permit is granted, the residents' of Intrepid Lane and Remora Drive will have effectively turned their streets into private streets for themselves only. The Sunset Beach portions of Bayview Drive will very unfairly be forced to bear the brunt of the parking for beach goers and visitor serving businesses and many visiting tourists will be turned away.

The City of Huntington Beach Request for Council Action violates Section 30530. Legislative intent of the California Coastal Act which states in part: "It is the intent of the Legislature . . . that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the the most efficient use of limited fiscal resources by federal, state and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. There is a need

to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another . . ." NEVER were the people of Sunset Beach or the Sunset Beach Community Association asked for input or to work with the City of Huntington Beach to solve the parking problems on Sunset Island. The one meeting held with representatives of Huntington Beach and Orange County and a few residents of Sunset Island was held at the request of the Sunset Beach Community Association.

Huntington Beach Coastal Development Permit No., 97-7 is in violation of Section 30603 Appeals after certification of local coastal program (d) "A local government taking action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking action." The Huntington Beach City Council took action on October 20, 1997, and the notice of final action was not received by the Coastal Commission until October 30, 1997, three days after the deadline.

SUNSET BEACH WOMAN'S CLUB

RECEIVED
NOV 6 1997


November 3, 1997

CALIFORNIA
COASTAL COMMISSION

The Coastal Commission
So. Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Re: Final City Action by the Coastal Commission pursuant to Section 245.32
of Huntington Beach Zoning and Subdivision Ordinance & Section 13110
of the California Code of Regulations

Subject: Parking
1. Sunset Island, Sunset Beach
2. Intrepid, Huntington Beach

EXHIBIT No. 5
Application Number: A-5-HNB-97-344
Letter
 California Coastal Commission

Dear Coastal Commission:

This area is three blocks from the beach and parking is limited.

We would like to give you some background about the Sunset Beach Woman's Club. We are a philanthropic, non-profit, self-supporting organization. Our Club has been an integral part of the community since 1929 - serving as a "Town Hall" and social meeting place for all residents. We have worked for the betterment of Sunset Beach, serving as the only enclosed facility available for meetings and functions of all types. We give yearly scholarships to graduating seniors both from Sunset Beach and Surfside.

We are the only voting precinct in Sunset Beach. We feel our Clubhouse provides a very important facility for our town and our parking will be impacted.

The Clubhouse is used for monthly meetings for the following agencies:

1. Sunset Beach Community Association
2. Sunset Beach Sanitary District
3. Local Coastal Review Board

These above agencies are also provided storage room for their files in our Clubhouse.

Other organizations and affairs are also accommodated:

1. Las Damas
2. Memorial services, family and community gatherings and dinners
3. Sunset Beach Island Committee (no charge)

The Coastal Commission
November 3, 1997
Page Two

The Sunset Beach Woman's Club, as do all other womans' clubs, depends on rental fees to pay for maintenance, taxes, insurance and utilities for the building. Our monthly expenses average \$400.00 to \$500.00 per month for our Clubhouse alone.

It was with much concern and dismay when parking permits were issued on public streets adjoining the Clubhouse. It is our hope that any rules, ordinances, or laws pertaining to parking should accommodate the MAJORITY of the residents in Sunset Beach.

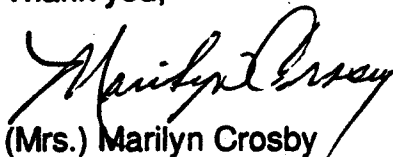
As stated in the "SPECIFIC PLAN/LOCAL COASTAL PROGRAM-EMA - September 1990":

"III-39-4.1.4 Public services shall be permitted use in a residential area.

III-40-5.8 All existing on-street parking shall be retained within Sunset Beach and wherever possible to maximize their use"

Again, we appreciate your involvement and will be pleased to meet with you should you wish to discuss this matter with us. Please advise us your agenda regarding this issue.

Thank you,



(Mrs.) Marilyn Crosby
President

Cc: Supervisor Silva
Mrs. Pat Thies - President, Sunset Beach Community Association
Mr. Dave Porter - Chairman, LCP
Las Damas




Sunset Beach Community Association

P. O. Box 215 - Sunset Beach - California 90742

January 14, 1998

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

EXHIBIT No. 6
Application Number: A-5-HNB-97-344
Letter
 California Coastal Commission

Re: Coastal Development Permit No. 97-7
Permit Parking District, Intrepid Lane, Remora Drive
& Bayview Drive, Huntington Beach

The Sunset Beach Community Association (SBCA) is appealing this Coastal Development Permit (CDP) on the grounds that it is in violation of both the Coastal Element, Local Coastal Plan of the City of Huntington Beach certified in March, 1985, and the California Coastal Act.

The CDP would, for all intents and purposes, turn Intrepid Lane and Remora Drive into private streets with only residents allowed to park there. The proposed CDP is in gross violation of the Huntington Beach LCP and the California Coastal Act.

Sunset Island is partly in unincorporated Sunset Beach and partly in the City of Huntington Beach. It is surrounded by water with one bridge for access. The only streets on Sunset Island are Broadway (the access street), Intrepid Lane, Remora Drive, and Bayview Drive.

Any changes in parking regulations affect not only residents of Huntington Beach, but residents of Sunset Beach and visitors to Sunset Beach and Huntington Harbour. The proposed CDP violates Section 30530 of the California Coastal Act because it would keep beach visitors from parking in the proposed parking district, thus denying public access to the beach and to visitor serving businesses in the immediate area. In addition, there is no coordination with the Sunset Beach Local Coastal Plan as required by Section 30530. The map of Sunset Beach including Sunset Island very clearly shows that parking for beach visitors must be addressed not in fragments but as a whole.

It is important to understand that houses exist only on one side of Intrepid Lane and Remora Drive. The other side, a distance of 950 feet, has no houses whatsoever. This long, unobstructed street parking should continue to be available to provide much needed public parking for visitors to the beach, to the navigable channels of Huntington Harbour, and for the visitor serving businesses, as required in the Huntington Beach LCP, Section 2.2.3 "Beach Parking," Section 2.2.9 "Shoreline Access" and Section 3.1 "Background."

Consider the visitor serving businesses within easy walking distance of Intrepid Lane, Remora Drive and Bayview Drive. Captain Jack's Restaurant on the corner of Broadway and Pacific Coast Highway provides fine dining from 5:00 PM to 2:00 AM seven days a week with valet parking; however, many people prefer to park their own cars and park on Sunset Island and Pacific Coast Highway. In addition to yacht sales, Sunset Yachts located on Pacific Coast Highway, on the navigable channel and the 11th Street Beach, provides a very popular service renting colorful kayaks, inflatable dinghies and small runabout boats to visitors to the area. Next to Sunset Yachts is Paisan's Pizzeria providing tasty food for hungry tourists and residents. Next door on PCH and on the channel Adair Yacht Sales, in addition to selling boats, also rents electric boats for both day and evening harbor cruises, giving non-boat owners the opportunity to enjoy the navigable channels of Huntington Harbour.

West Coast Bait & Tackle, located on PCH and the salt water channel, provides a needed service for visiting fisherman to fish both in the ocean and in the Sunset Channel which has many accesses on PCH and Bayview Drive. Next door to the bait shop is the Art Gallery serving both residents and beach visitors. Other visitor serving businesses are the fine dining restaurant Harpoon Harry's open from 4:00 PM to 2:00 AM, Cottage White Antiques, Circle T Ranch Barbecue, Extreme Car Audio, Sunset Flowers, Napa Valley Pizza & Pasta, Antiques of the Sea, The Kite Store, Stress Center, U S Post Office and The Board Room which is a cigar lounge and snack shop open until 11:00 PM.

When the parking provided by these varied visitor businesses is full, then parking must be found elsewhere on PCH, North and South Pacific, and Sunset Island. In a very clear violation of the Huntington Beach LCP Sections 2.2.3, 2.2.6 and 2.2.9, the recommendation by the Dept. of Public Works in support of the Intrepid Lane parking permit request states in part ". . . Drivers who wish to use the area for parking to gain access to other facilities would find alternative parking elsewhere. . ." Where? Is it the desire of the City of Huntington Beach to force Sunset Beach to bear all of the responsibility for parking for beach visitors? Or does the City want to keep the beach visitors away in violation of the California Coastal Act? Section 2.2.9 of the Huntington Beach LCP Shoreline Access states in part ". . . Opportunities for public access to the waterways of Huntington Harbour are limited. Residential developments occupy much of the land area adjacent to the waterways. . ." Does Huntington Beach really want to restrict visitor access to their waterways by limiting parking in the proposed district on weekends to residents with permits from 8:00 AM to 4:00 AM, allowing visitors to park from 4:00 AM to 6 AM only?

Included in the Request for Council Action is a Sunset Beach Parking Availability Study on pages D-1.22 through D-1.33 which reaches the following erroneous conclusion: "The study concludes that even during the busiest time of the week there is ample parking for beach goers and area residents. . ." The Vehicle Counts, Spaces Taken and Parking Available counts were done at 7:00 AM, 10:00 AM and 3:00 PM; however, the hours of greatest demand for beach and water recreation parking are actually between 12:00 noon and 2:00 PM. No study was done of the parking availability and needs in the evening hours.

On page D-1.4 of the Request for Council Action, the following incorrect statements are made: "The study indicates that street parking on Intrepid Lane and Remora Drive is not needed for beach goers. Furthermore, the average distance from Intrepid Lane and Remora Drive to the beach is approximately 1500 feet. . ." The true distance to the closest public waterway is 160 feet; to the nearest public beach, 700 feet; and to the ocean, 731 feet. Beach goers now park across Pacific Coast Highway from the beach on Admiralty Drive, Channel Lane and other streets on Admiralty Island that are at an even greater distance from the beach than Intrepid Lane and Remora Drive.

The Huntington Beach LCP, Figure 2.4, page 18, credits Peter's Landing on Pacific Coast Highway in Huntington Beach with providing 630 free parking spaces for beach visitors. In fact, no parking spaces are provided at Peter's Landing. "No Beach Parking" signs are prominently posted at both entrances to Peter's Landing. Peter's Landing is approximately the same distance from the ocean as Intrepid Lane and Remora Drive.

The following quotation is from the Statement of Action of the City Council City of Huntington Beach dated October 20, 1997, page three, "Lloyd Clauss [resident of Intrepid Lane] . . . He informed the Council that the precedent has been set on North and South Pacific Street where there have been parking permits for a period of time. . ." The parking permits to which Mr. Clauss refers are for residents of North and South Pacific Avenues to park in front of their own driveways and garages, thus freeing up parking spaces along the greenbelt for beach visitors, not excluding beach visitors as the proposed parking district would do.

The residents of Sunset Island, working with Supervisor Jim Silva, have attempted to alleviate many of the parking concerns of the residents of Intrepid Lane and Remora Drive. Several community meetings have been held to address parking problems inherent with living at the beach.

The Sunset Beach Woman's Club (SBWC) provides the only enclosed meeting place in Sunset Beach. The present building has been at the corner of Bayview Drive and Broadway since 1948. Community meetings of such groups as the Woman's Club, Sunset Beach Local Coastal Plan Board, Las Damas, the Sunset Beach Community Association, and the Sunset Beach Sanitary District are held on a regular basis. Visitors and representatives from Orange County, the Sheriff's Department, CalTrans and others from out of the area come to these various meetings and need a place to park. In addition, the

Woman's Club building is the only voting precinct in Sunset Beach. The precinct workers and voters need a place to park their cars.


The Woman's Club also rents the building for memorials, weddings and other gatherings attended by both residents and visitors to the beach. In addition, the Woman's Club rents the building to Alcoholics Anonymous groups for meetings which are attended by people from Sunset Beach, Huntington Beach and many other areas. The Saturday night group caused problems to residents on both Bayview Dr. and Intrepid Lane. In response to complaints from residents, the Woman's Club no longer rents to the Saturday night group. Now there are AA meetings there on Friday and Sunday nights, and the Woman's Club has not received any complaints.

Since 1948, the Sunset Beach Woman's Club has been providing a very necessary public meeting place for residents and visitors alike. If the proposed permit parking district is approved by the Coastal Commission, the SBWC will be severely limited in using their building as a public meeting place and a valuable community resource will be gravely compromised.

Another concern of the residents of Intrepid Lane and Remora Drive is the parking of motor homes and commercial vehicles. Rather than creating a parking district excluding all but residents from parking on these public streets, the city of Huntington Beach could prohibit overnight parking of motor homes and commercial vehicles. Other parking problems could be alleviated by enforcing existing laws.

Huntington Beach has a legal and moral obligation to abide by the purpose and intent of the California Coastal Act. The adjacent community of Sunset Beach more than meets its obligation by providing free public beach parking on all of its streets. The Coastal Commission would undoubtedly take a dim view of any request to allow Sunset Beach to limit parking to residents only. Restricting parking to residents only, on streets so close to the beach and waterways, is a gross violation of the California Coastal Act and the Huntington Beach LCP. Living at the beach is very enjoyable, but it comes with the obligation to share the beach, the navigable waterways and the visitor serving businesses with other residents of the county, state and nation. We urge you to reject this Coastal Development Permit.

Very truly yours,


Phyllis Maywhort, Chairman
Public Parking Committee
(562) 592-1606

CC: 12 Coastal Commissioners