

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

March 22, 2001

STAFF REPORT: REVISED FINDINGS

TO: COASTAL COMMISSIONERS & INTERESTED PERSONS

FROM: Deborah Lee; Deputy Director
Teresa Henry; District Manager, South Coast Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: CITY OF HUNTINGTON BEACH
LOCAL COASTAL PROGRAM AMENDMENT 1-99

SUMMARY OF AMENDMENT REQUEST:

Request by the City of Huntington Beach to amend both the Land Use Plan and Implementation Plan portions of the LCP by changing the land use designation and zoning from Visitor Serving Commercial to High Density Residential, at an approximately 1.82 acre site located at the area along Pacific Coast Highway between 16th Street and 18th Street, inland to the alley south of Walnut, in the City of Huntington Beach, Orange County.

SUMMARY OF COMMISSION ACTION

At the Commission hearing of February 13, 2001 the Commission reviewed the City of Huntington Beach Local Coastal Program Amendment 1-99. Public testimony and Commission discussion focused on the amount of visitor serving commercial uses in the Huntington Beach coastal zone. Also discussed was the feasibility of developing the subject site with commercial uses. The Commission found that a substantial amount of visitor serving commercial uses would remain available within the City's coastal zone even if the subject site were to be converted to residential use. In addition, the Commission found that due to the small lot size of the parcels involved, commercial development of the subject site is not feasible. Therefore, the Commission approved as submitted the City's request to amend the LCP to change the land use designation and zoning at the subject site from Visitor Serving Commercial to High Density Residential.

COMMISSION VOTE:

The Commissioners voting on the prevailing side were:

Commissioners Desser, Dettloff, Allgood, Hart, Kruer, McClain-Hill, McCoy, Nava, Weinstein, Reilly, and Wan.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's action on February 13, 2001, approving the proposed Huntington Beach Local Coastal Program Amendment 1-99 as submitted. The motion to accomplish this is found on page 3.

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STANDARD OF REVIEW:

For the proposed Land Use Plan amendment, the standard of review shall be conformance with and adequacy to carry out the Chapter 3 policies of the Coastal Act. For the proposed Implementation Plan amendment, the standard of review shall be conformance with and adequacy to carry out the provisions of the certified Huntington Beach Land Use Plan.

ADDITIONAL INFORMATION:

Copies of this staff report are available at the South Coast District Office of the Coastal Commission. To obtain copies of the staff report by mail, or for additional information contact Meg Vaughn at the above address and telephone number.

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 of Huntington Beach Planning Commission held a public hearing regarding Local Coastal Program Amendment 1-99 on March 9, 1999. In addition, the City of Huntington Beach City Council held public hearings regarding Local Coastal Program Amendment 1-99 on July 19, 1999, July 6, 1999, May 3, 1999, and April 19, 1999. The public hearings were advertised in the City's local newspaper (Huntington Beach Independent) and notice was sent to property owners within a 1,000 foot radius and interested parties. All legal notices for the public hearings made reference to the future Local Coastal Program Amendment. Prior to the public hearings, a Planning Commission study session was held on January 26, 1999 to discuss the subject property. The study session was open to the general public. All staff reports were made available for public review in the City's Department of Community Development and the Huntington Beach Public Library. In general, the comments received dealt with the potential loss of commercial property and private views from adjacent residences.

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I. MOTION AND RESOLUTION

NOTE: Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the following motions. The prevailing Commissioners who voted to approve the LCP amendment as submitted were: Commissioners Desser, Dettloff, Allgood, Hart, Kruer, McClain-Hill, McCoy, Nava, Weinstein, Reilly, and Wan.

Motion

"I move that the Commission adopt the following revised findings in support of the Commission's approval of the City of Huntington Beach LCP 1-99 as submitted."

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the February 13, 2001, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

Resolution

The Commission hereby adopts the findings set forth below approving, as submitted, the City of Huntington Beach LCP Amendment 1-99 on the grounds that the findings support the Commission's decision of February 13, 2001 and accurately reflect the reasons for it.

II. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

The Commission finds and declares as follows:

A. Land Use Plan Amendment Description

The City of Huntington Beach has requested to amend the Land Use Plan (LUP) portion of the City's certified Local Coastal Program (LCP) by changing the land use designation from Visitor Serving Commercial to High Density Residential at an approximately 1.82 acre site located at the area along Pacific Coast Highway between 16th Street and 18th Street, and the alley south of Walnut Avenue on the north (see exhibit A). The subject site fronts on Pacific Coast Highway and is located across the street from the City Beach and bluff top park which includes bicycle and pedestrian paths.

The subject site consists of 20 lots. The lots located between 16th and 17th Streets are approximately 25 feet by 163 feet. The lots located between 17th and 18th Streets are approximately 25 feet by 159 feet. The 10 lots located between 17th and 18th Streets are under single ownership. The 10 lots located between 16th and 17th Streets are owned by five different owners.

The proposed change in land use designation would allow a maximum of 30 residential units per acre at the site. The maximum number of units that could be allowed under the proposed designation if all the lots between 16th and 17th Streets were developed together would be 28 (30 units/acre x 0.94 = 28.2). The

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maximum number of units that could be allowed under the proposed designation if all the lots between 17th and 18th Streets were developed together would be 27 (30 units/acre x 0.91 = 27.3).

If each of the lots between 16th and 17th Streets was developed individually, under the proposed land use designation, each lot would be allowed 2 units (each lot is 25 feet by 163 feet = 4075 square feet = 0.094 acre; 0.09 acre x 30 units/acre = 2 units). A maximum of two units would also be allowed on each of the lots between 17th and 18th Streets (25 feet by 159 feet = 3975 square feet = .09 acre; .09 acre x 30 units/acre = 2 units).

B. Local Coastal Program Amendments 2-97 and 3-94

On March 9, 1995, the Commission approved Huntington Beach LCP amendment 3-94 which allowed a land use and zone change from High Density Residential to Visitor Serving Commercial at a two block area along Pacific Coast Highway between 8th and 6th Streets, inland to the alley south of Walnut (see exhibit F). The Commission's approval was based on the higher priority afforded visitor serving commercial uses over residential uses under the Coastal Act and the City's certified LUP.

On August 12, 1997, the Commission approved Huntington Beach Local Coastal Program amendment 2-97 which allowed the re-designation and re-zoning of an area located adjacent to Pacific Coast Highway between 21st and 22nd Streets from Visitor Serving Commercial to High Density Residential (see exhibit F). The site of LCP amendment 2-97 was comprised of 10 individual, small lots. Each of those lots was individually owned. In approving LCP amendment 2-97 the Commission found that the small lot size and dispersed ownership made developing the individual lots with a commercial use difficult due to the need to provide parking and the need to provide ingress/egress from Pacific Coast Highway. The Commission also found that adequate visitor serving sites would remain even with the re-designation proposed under LCP amendment 2-97.

Under LCP amendment 3-98 one half block was converted from Visitor Serving Commercial to High Density Residential. LCP amendment 3-98 allowed the re-designation of the half block bounded by Pacific Coast Highway, Goldenwest Street, the alley south of Walnut Ave. and 22nd Street from Visitor Serving Commercial to High Density Residential (see exhibit F). In approving LCP amendment 3-98 the Commission found that even with the conversion of the site to residential a substantial amount of Visitor Serving Commercial areas would remain along Pacific Coast Highway. In addition, the Commission found that the small lot size of the subject lots would make commercial development difficult. These lots have been developed with 6 single family residences; the remaining lots are vacant.

Although both LCP amendments 2-97 and 3-98 allowed high density residential development, to date the sites have been developed only with single family residences.

C. Land Use

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

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Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-service 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 30250(c) states:

Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

I. Visitor Serving vs. Residential Use

The coastal zone in the project vicinity extends inland one block from Pacific Coast Highway to Walnut Avenue. The proposed amendment would reduce the amount of visitor serving commercial designation along Pacific Coast Highway by two half blocks (inland to the alley). The land use designation for all the lots between Walnut Avenue and the alley south of Walnut Avenue from Goldenwest Street to Fifth Street is High Density Residential. The existing land use designation for lots fronting Pacific Coast Highway (between the alley and Pacific Coastal Highway) downcoast from the subject site to 9th Street and upcoast to Goldenwest Street is High Density Residential (see Exhibit No. F).

However, even with the conversion of the two half blocks at the subject site to residential, a substantial amount of Visitor Serving Commercial areas would remain along Pacific Coast Highway. In the immediate project vicinity the land use designation for lots along Pacific Coast Highway from 9th Street to Huntington Avenue is Visitor Serving Commercial. The stretch between 9th Street and Huntington Avenue includes the commercial area which extends inland along Main Street. The coastal zone boundary also extends inland to incorporate the visitor serving uses along Main Street.

Across Pacific Coast Highway from the base of Main Street is the City's Municipal pier. The pier provides substantial visitor serving uses such as fishing, strolling and dining. Restaurants exist at the seaward end of the pier as well as at the base. Public pedestrian access exists all around the restaurant at the seaward end of the pier. A bicycle path extends for the length of the beach area within the City. In addition, numerous snack bars and beach equipment rentals are located along the beach.

In addition, Peter's Landing is located within the City's coastal zone between Pacific Coast Highway and Huntington Harbor at Anderson Street. Peter's Landing provides visitor uses such as restaurants, shops, boat rentals and harbor cruises. The area along the inland side of Pacific Coast Highway north of Anderson Street supports motels, restaurants, and marina-oriented retail and service uses. To the southeast (or downcoast) of Peter's Landing along Pacific Coast Highway at Warner a convenience center is located. The convenience center includes visitor serving uses such as a gas station, sandwich shops, casual restaurants, and a convenience market.

The feasibility of developing the site with commercial use must also be considered. The small size of the lots makes commercial development of the site difficult. Generally commercial development provides parking at the street (Pacific Coast Highway) side of the lot, as patrons are more likely to use commercial development when the location of parking is obvious. The small size of the lots, plus access considerations make provision of both a commercial structure and adequate parking difficult. Subterranean parking is the

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most feasible method to provide parking for commercial development of the site. However, subterranean parking is only feasible if the lots are consolidated which cannot be required. In addition, vehicular access to the subject site would be difficult. The creation of new driveways along Pacific Coast Highway would necessitate curb cuts which would eliminate on-street public parking. Traffic entering and exiting the site generated by a commercial use, especially if the lots are not consolidated, would adversely impact the level of service on Pacific Coast Highway. A reduction in on street parking and in the level of service of Pacific Coast Highway would adversely affect public access in the area. If developed with residential uses access could be taken from the alley.

The small lot sizes are consistent with the other residentially designated small lots in the area. The area surrounding the subject site is land use designated High Density Residential. The proposed land use designation for the subject site would be consistent with the surrounding area. If the lots were consolidated and the maximum number of residential units allowed under the proposed land use designation were developed, adequate parking could be provided by using subterranean garages. Several sites in the immediate vicinity have been developed as high density residential and have been able to accommodate the required parking using subterranean garages. However, if the lots were separately developed, the sites could still be developed with one single family residence per lot (the maximum density allowed under the proposed zoning). Under this scenario adequate parking can also be provided. Any future residential development of the site would be required to meet the LCP parking requirement. The Downtown Specific Plan requires 2 enclosed parking spaces for each dwelling unit with up to 3 bedrooms and 1 space for each additional bedroom. If developed as single family residences, the required parking could be provided on-site with access being taken from the alley.

2. Density

The City has indicated that the High Density Residential rather than Medium Density Residential designation was chosen in order to expand the present zoning adjacent to the site, rather than create an island with a unique land use. The proposed designation is the same as the designation on properties to the southeast and northwest of the site. In addition, all of properties adjacent to Pacific Coast Highway between Goldenwest and 9th Streets have same designation. Many of these sites have been successfully developed either on combined lots with high density residential development or as single family residences on individual lots. Therefore, the Commission finds that the subject site can adequately support the proposed density.

For the reasons identified above, the site is more suitable for residential development than commercial development. As demonstrated by similar sites in the area, the site can accommodate the High Density Residential land use designation. The designation allows residential development at a lower density if the lots are not consolidated. Pacific Coast Highway and other areas within the coastal zone in Huntington Beach will still provide a substantial amount of land designated Visitor Serving Commercial even if the land use designation at the subject site were changed to residential. If amended as proposed, the City's certified Land Use Plan would still meet the Coastal Act requirement that visitor serving commercial uses be maximized. Therefore, the Commission finds the proposed Land Use Plan amendment is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act.

III. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

The findings for approval of the Land Use Plan amendment are hereby incorporated by reference.

A. Implementation Plan Amendment Description

The City of Huntington Beach has requested to amend the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) by changing the zoning from Downtown Specific Plan District 1 (Visitor Serving Commercial) to Downtown Specific Plan 2 (Residential) at an approximately 1.82 acre site located at the area along Pacific Coast Highway between 16th Street and 18th Street, inland to the alley south of Walnut.

The proposed zoning for the site, Downtown Specific Plan (DTSP) District 2 (Residential), limits density according to lot size. On small parcels, medium densities (15 du/acre) are permitted and high density (35 du/acre) is allowed on larger sized parcels. The density increases as parcel size increases, providing greater incentives for larger consolidations. The 35 du/acre density is allowed when a full block is consolidated for a single development. Following is a discussion of the different densities allowed in District 2 depending on lot size.

DTSP District 2 allows a higher density when lots are consolidated. The two blocks at the subject site extend inland only as far as the alley and so are considered half blocks rather than whole blocks (a whole block would extend to the next street).

DTSP District 2 allows one dwelling unit per lot for lots with less than 50 feet of street frontage. Because each of the subject lots is 25 feet wide, each lot would be allowed only one dwelling unit if developed individually.

If only two lots were consolidated, the street frontage would be 50 feet. DTSP District 2 allows a density of one dwelling unit per 1,700 square feet of lot area for lots with 50 feet of street frontage. Based on this the maximum number of dwelling units for a two lot consolidation on the block between 16th and 17th Streets would be four units. A two lot consolidation on the block between 17th and 18th Streets would also yield a maximum of four units. For lots with street frontage of 51' to 100' the density allowed is 1 dwelling unit/1,400 square feet of net lot area. The number of units allowed in this case would depend on the number of lots consolidated.

For consolidated lots with 101 feet or more of street frontage but less than a full block, the density allowed is 1 dwelling unit per 900 square feet of net lot area. This density, (1 du/900 sq. ft.) is the maximum that could be applied to each of the half blocks at the subject site. This would allow a maximum of 45 units if all the lots on the block between 16th and 17th Streets were consolidated ($25' \times 163' = 4075 \text{ sq. ft.} \times 10 \text{ lots} = 40,750 \text{ sq. ft.} \times 1 \text{ du}/900 \text{ sq. ft. of lot area} = 45 \text{ units}$). And a maximum of 44 units if all the lots on the block between 17th and 18th Streets were consolidated ($25' \times 159' = 3975 \text{ sq. ft.} \times 10 \text{ lots} = 39,750 \times 1 \text{ du}/900 \text{ sq. ft. of lot area} = 44 \text{ units}$).

It should be noted however, that the maximum density for DTSP District 2 is 35 units per acre (1 dwelling unit per 900 sq. ft. equates to 48.4 dwelling units per acre). If the 35 du/acre density is applied to the site, the maximum number of units allowed would be 63 dwelling units (total number of units for the subject site). The 35 units per acre density is based on gross acres, while the 1 unit per 900 square feet is based on net lot area. This could have an effect on the final number of units that could be allowed at the subject site. Also of note is the fact that the LUP allows only 30 units per acre. As discussed in the LUP findings, if the 30 du/acre density is applied to the site, the maximum number of units allowed would be 55 units (total number of units for the subject site).

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The prior rezonings approved under LCP amendments 2-97 and 3-98 have resulted in development of single family residences, rather than high density, multi-family developments. The owner of all the lots on the block between 17th and 18th Streets has indicated to the City his intent to develop the site with single family residences.

It should be noted that none of the individual lots meet the DTSP minimum lot size requirements. In order to develop them with commercial use the lots would have to be consolidated. Currently all 10 of the lots on the block between 17th and 18th Streets are under single ownership. The City has indicated that the owner of these lots intends to build single family residences. The 10 lots on the block between 17th and 16th Streets are owned by 5 different owners.

B. Land Use

The following Coastal Act Sections have been specifically incorporated into the City's certified Land Use Plan.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing recreational opportunities are preferred.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-service 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 30250(c) states:

Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Regarding Visitor Serving facilities, the City's certified Land Use Plan policies 5 and 5a on page 138 state:

Additional support facilities are necessary in order to accommodate the large numbers of visitors attracted to recreation areas in the coastal zone. The coastal land use plan is designed to provide for sufficient areas strategically located to serve the needs of existing and future levels of visitors. The intent of the following policies is to specifically encourage adequate visitor accommodations.

5. Protect, encourage, and where feasible provide visitor serving facilities in the coastal zone which are varied in type and price.

5a. Encourage the provision of additional restaurants and hotel/motel accommodations in keeping with the alternative chosen by the City Council.

The certified LUP also states, on page 31:

Existing visitor-serving uses in the coastal zone provide a wide range of services. However, the large numbers of visitors attracted to recreation areas in the coastal zone justify the provision of additional

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support facilities, particularly overnight accommodations and restaurants. The plan designates sufficient areas strategically located to serve the needs of existing and future levels of visitors. The City's coastal policies further aim to achieve the following objectives:

- Provision of lower cost visitor-serving facilities.
- Increased numbers of hotel/motel rooms and restaurants in the coastal zone.
- Provision of additional areas for overnight recreational vehicle camping.

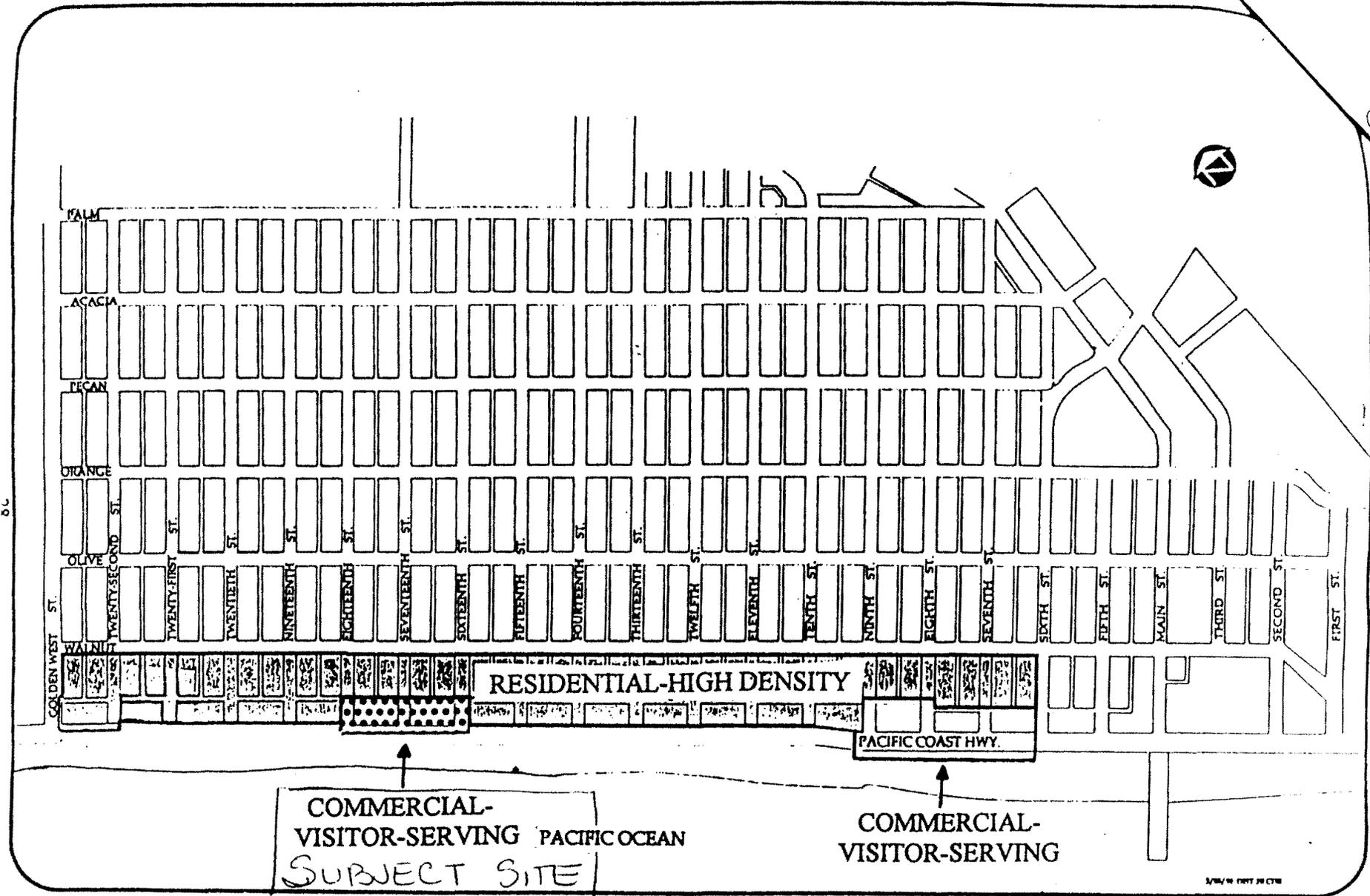
The certified Land Use Plan places a higher priority on visitor serving uses than on residential uses. However, as described in detail in the findings for approval of the LUP amendment, substantial visitor serving zones will remain even if the LCP is amended as proposed. As described previously, the site is more suitable for residential development than commercial development. As demonstrated by similar sites in the area, the subject site can accommodate the Downtown Specific Plan District 2 (Residential) zone. The zone limits residential development based on the size of the lot. If the subject lots are not consolidated, each of the lots would be allowed a maximum of one single family dwelling. Pacific Coast Highway and other areas within the coastal zone in Huntington Beach will still provide a substantial amount of land zoned Visitor Serving Commercial even if the zone at the subject site was changed to residential. If amended as proposed, the City's certified Implementation Plan would still meet the Land Use Plan requirement that visitor serving commercial uses be maximized. Therefore, the Commission finds the proposed Implementation Plan amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with the provisions of CEQA. The City of Huntington Beach LCP amendment 1-99 consists of a Land Use Plan (LUP) amendment and an Implementation Plan (IP) amendment.

As outlined in this staff report, substantial visitor serving commercial areas will remain even if the subject site is redesignated for residential use. Therefore the Commission finds that the proposed amendment is in conformity with the visitor serving policies of Chapter 3 of the Coastal Act. For the same reasons the IP amendment is in conformity with and adequate to carry out the visitor serving policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Retaining the VSC land use designation and zoning at the site is not a feasible alternative because the small size of the lots and difficulty in providing parking and vehicular access make development of the site infeasible. Consequently, there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission certifies LCP amendment request 1-99 as submitted.

Exhibit B



COMMERCIAL-VISITOR-SERVING
 SUBJECT SITE
 PACIFIC OCEAN

COMMERCIAL-VISITOR-SERVING

RESIDENTIAL-HIGH DENSITY

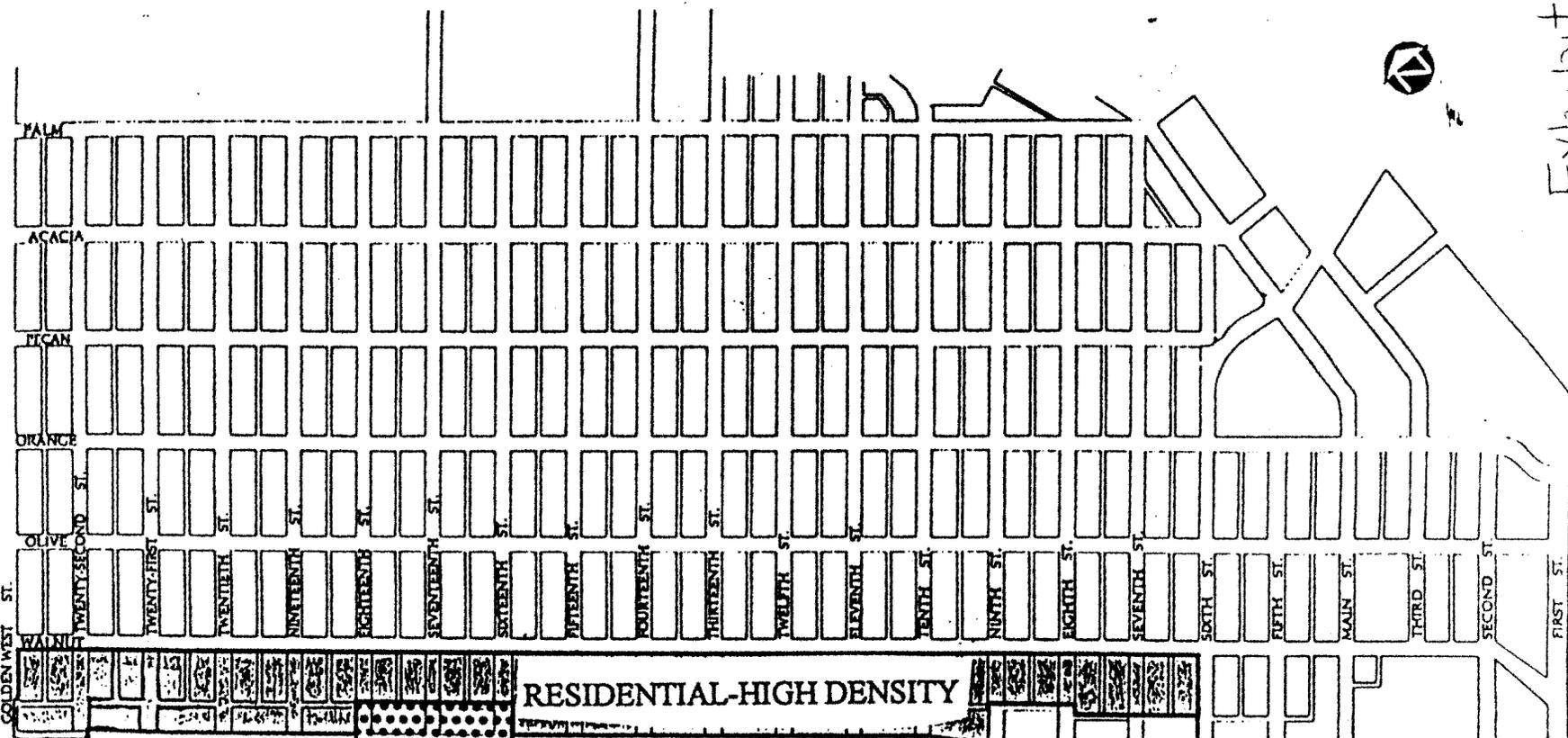
PACIFIC COAST HWY.



EXISTING

LCP Am. 1-99
 Land Use
 Designation
 Existing

Exhibit C



RESIDENTIAL
HIGH-DENSITY
subject site

PACIFIC OCEAN

COMMERCIAL
VISITOR-SERVING

PACIFIC COAST HWY.

PROPOSED

LCP Am. 1-99
Land Use
Designation
proposed

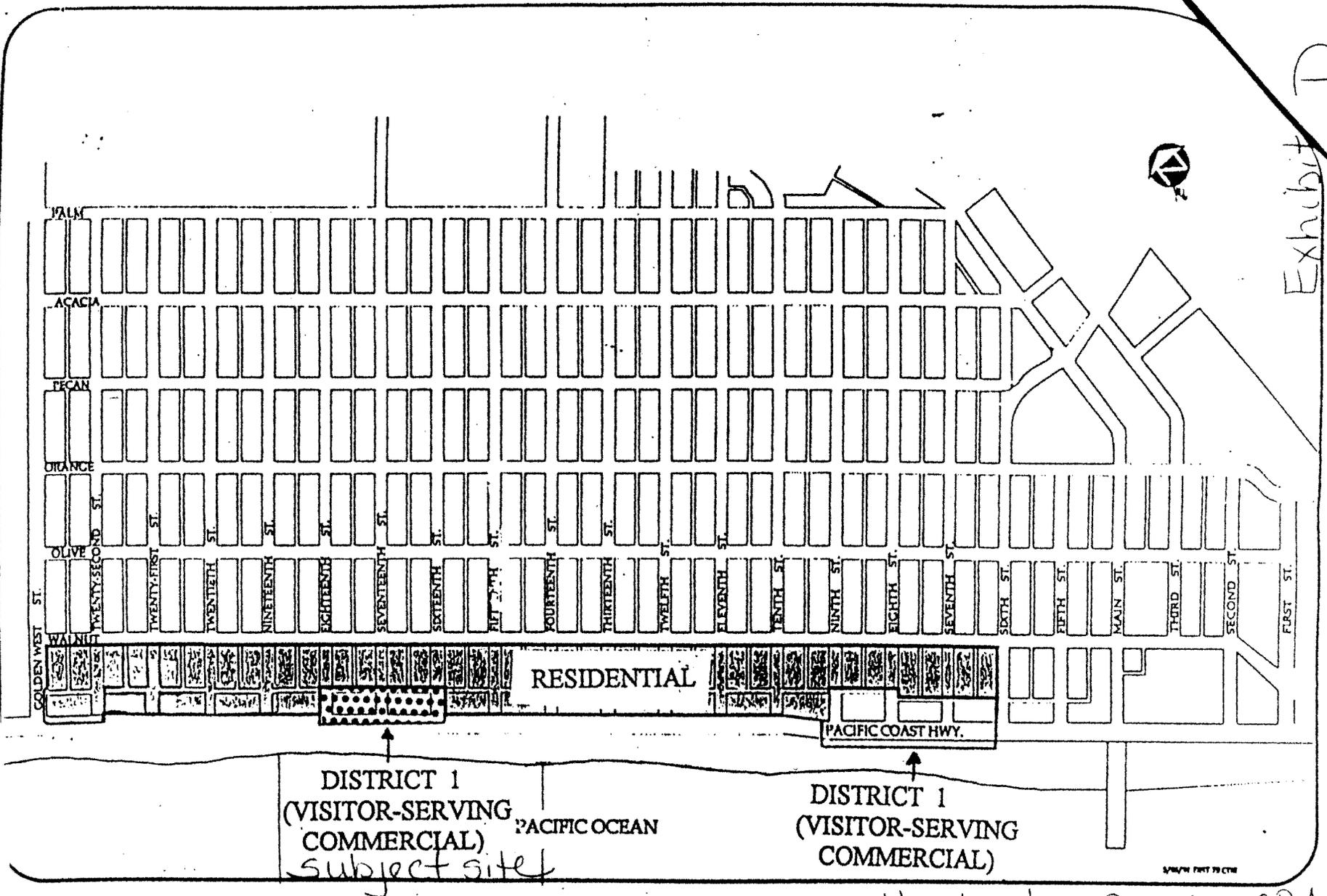
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ATTACHMENT NO. 2.6



HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

Exhibit D



EXISTING ZONING

Huntington Beach LCP Am 1-99

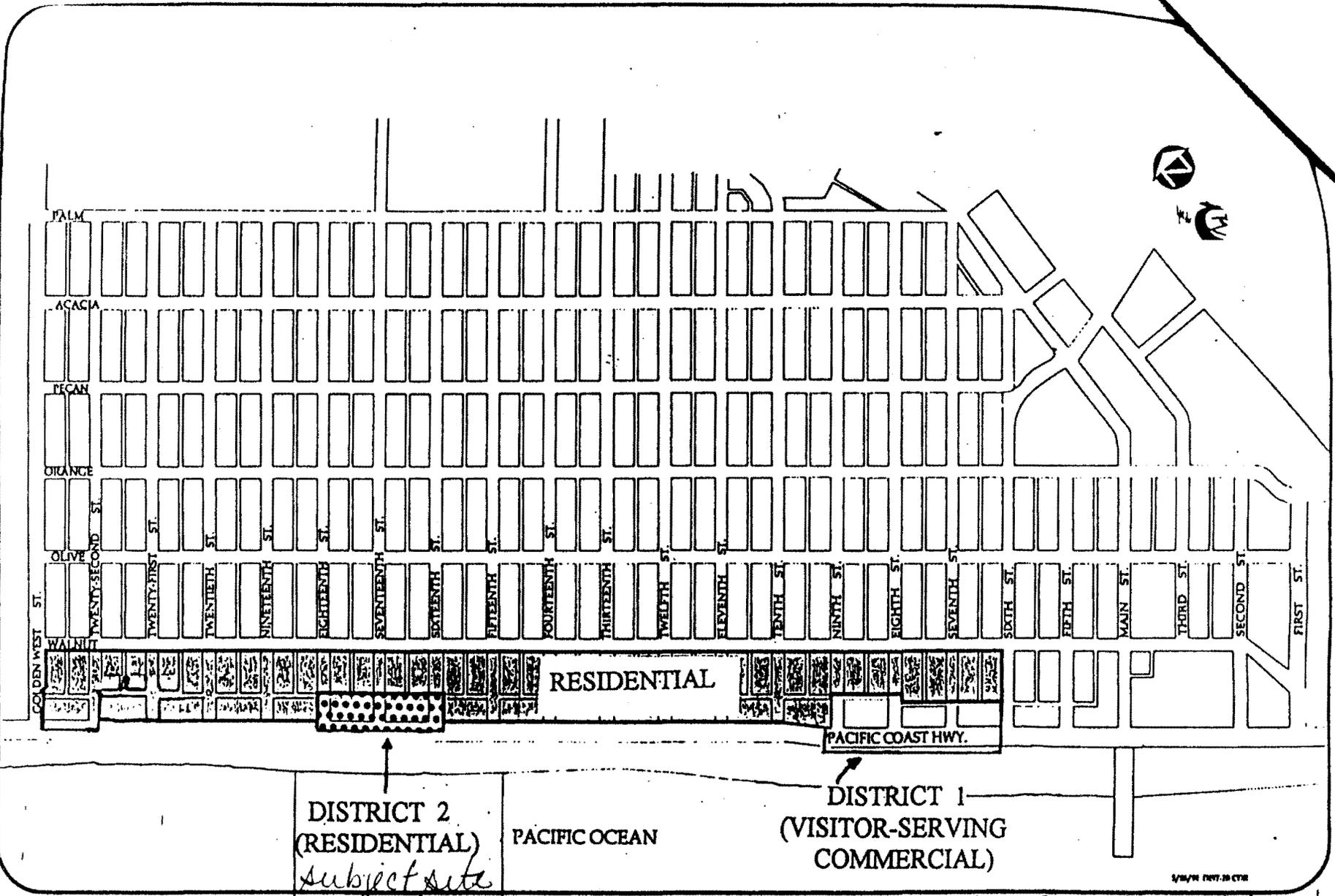
DOWNTOWN SPECIFIC PLAN



EXHIBIT E

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ATTACHMENT NO. 47



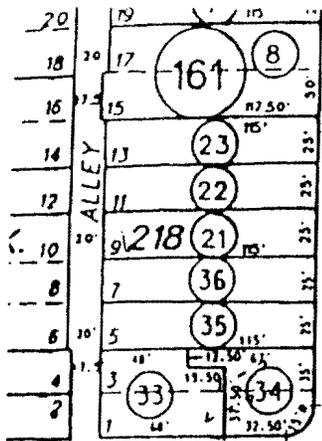
PROPOSED ZONING

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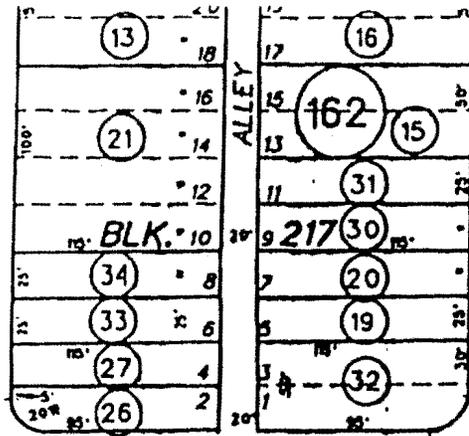


HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

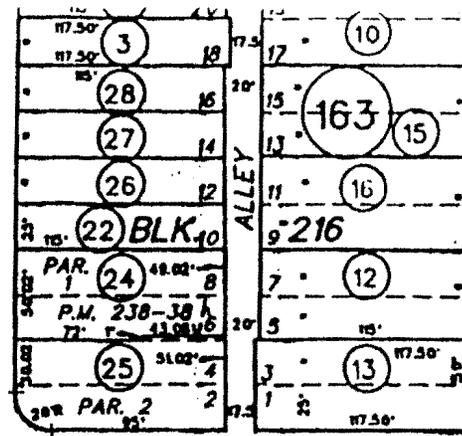
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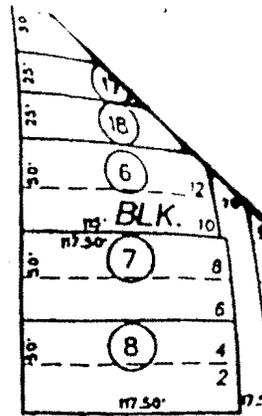
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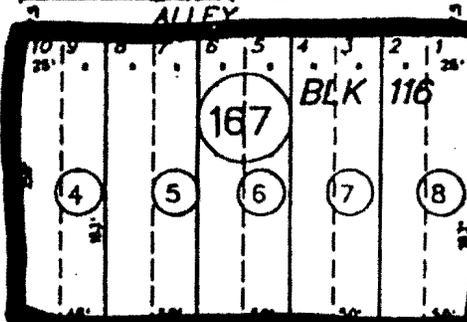
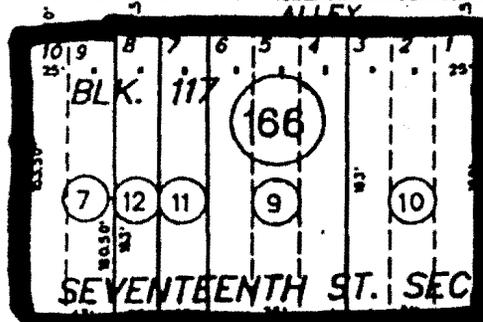
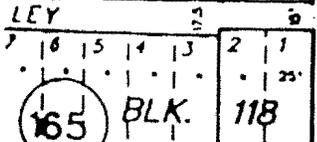
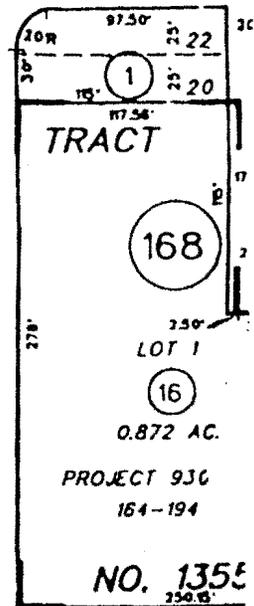
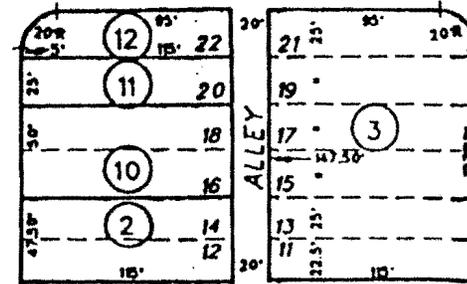
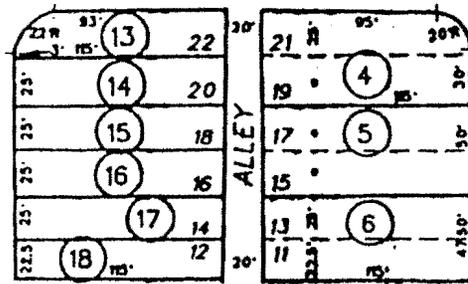
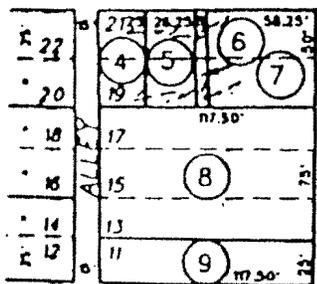
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NUT



17TH

17TH

ALCP Am. 1-99
Subject Site
Assessor's
Parcel Map
Exhibit G