

CALIFORNIA COASTAL COMMISSION

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W19d

ADDENDUM

June 4, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W19d, APPLICATION NO. 5-20-0630 FOR THE COMMISSION MEETING OF WEDNESDAY, JUNE 9, 2021.**

I. RESPONSE TO CORRESPONDENCE

On June 2, 2021, the Commission received an email from Tony Sellas. In his email, Mr. Sellas raises various objections and is requesting denial of the project proposed under Coastal Development Permit Application No. 5-20-0630. The applicant has provided a response to the Mr. Sellas' email dated June 3, 2021, which has been attached as **Exhibit A**. Below is Commission staff's response to the objections raised in Mr. Sellas' email correspondence.

Mr. Sellas questions why the project plans dated May 25, 2020 were not submitted for Commission review with the coastal development permit application and further questions if other documents were not submitted. These project plans dated May 25, 2020 are outdated plans, as the project plans were updated and dated September 28, 2020 and submitted as part of the coastal development permit application. In addition, changes were made to the project after Commission staff asked the applicant to propose the installation of electric vehicle charging infrastructure and additional pages of the plans were updated. These updated plans did not substantially change the project. However, review of the plans that Mr. Sellas is requesting would not be reflective of the most up to date project.

Mr. Sellas raises another concern pertaining the two-car parking garage for the townhome that takes access from North Pacific Avenue. Mr. Sellas states that the garage should have a five-foot setback from North Pacific Avenue as a matter of public safety since the car will have to back halfway onto North Pacific Avenue to see oncoming traffic, including bicyclists.

The previously certified LCP and the City's zoning require a three-foot setback for commercial development adjacent to residentially zoned lots, but otherwise "*there shall be no required setbacks in the Sunset Beach Tourist District.*"

The subject commercially zoned lot is not adjacent to a residentially zoned lot on any side. It is adjacent to streets on three sides and to another commercially zoned lot on the fourth side. Therefore, the City's required setback and the setback of the formerly certified LCP for the area is zero feet for the residential garage. It may also be worth noting that there is a stop sign adjacent to the site at the intersection of 18th Street and North Pacific Avenue; and that the speed limit on the one-way North Pacific Avenue is 15 miles per hour.

Mr. Sellas' last concern deals with the first floor of the development consisting of a covered parking area requiring a conditional use permit from the city since he feels that it is considered a parking structure. Per the City's zoning code, Mr. Sellas states that a parking structure requires a 10-foot setback since it adjacent to a public right of way, North Pacific Avenue. He is again concerned that cars exiting onto North Pacific Avenue have to back halfway onto North Pacific Avenue to see oncoming traffic, including bicyclists. Mr. Sellas also believes pursuant to the City's zoning code; the parking structure requires a coastal development permit.

The first floor parking area is not considered a parking structure under the City's zoning code. The zoning code defines a parking structure as the following: "*A structure consisting of two or more levels used for parking of vehicles where parking spaces, turning radius, transition ramps, and drive aisles are incorporated within the structure, including automated parking structures.*" The zoning code definition further clarifies that a covered parking area, such as the one proposed, is not a parking structure: "*A surface level parking lot with a solid roof above is not considered a parking structure unless there is access for automobiles and parking stalls on the roof.*" Therefore, since the first floor parking area is not considered a parking structure, a 10-foot setback is not necessary.

Mr. Sellas' claim that a coastal development permit is needed for the parking structure, which actually is not considered a parking structure, is incorrect as a coastal development permit is necessary for the entire project. Mr. Sellas may have incorrectly thought that the City of Huntington Beach needed to issue a coastal development permit for the project, but the Sunset Beach area has not yet been incorporated into the City of Huntington Beach LCP. Therefore, the Commission is the permit-issuing entity for the proposed project and the Chapter 3 policies of the Coastal Act are the standard of review.

The subject site is zoned Sunset Beach Tourist in the City's zoning (Sunset Beach Specific Plan). The Commission has not adopted the City's approved zoning for the Sunset Beach area of the City. The standard of review is the Chapter 3 policies of the Coastal Act. Nevertheless, the City has issued an Approval in Concept for the proposed development, indicating that it meets the City's basic zoning requirements, including parking, parking access, and setback requirements. Further, the proposed development, as described in the staff report, is consistent with the public access policies of the Coastal Act including the provision of adequate parking to serve the development (both residential and commercial) and with regard to appropriate setbacks.

II. CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report for Item W19d, dated May 20, 2021. The following modifications amend the public access and recreation section to clarify how the proposed parking plan is consistent with the Coastal Act. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike out~~.

Pages 13-14 – Modify and Add to Section IV. Findings and Declarations/B. Public Access and Recreation, as follows:

Consistent with Coastal Act Section 30252, one of the ways the Commission assures that public access is maximized is by assuring that adequate parking is provided with new development and that new development not adversely impact the availability of existing public parking spaces.

There is a public parking area located on either side of the “greenbelt” located just steps from the project site and about 150 ft. from the sandy public beach. In addition, there are 72 parking spaces available to public beach-goers at Peter’s Landing, located about 1,200 ft. from the project site. However, there is otherwise very limited on-street parking in Sunset Beach to serve public beach-goers and visitors to the harbor. During peak use periods, the parking demand exceeds the supply. This especially affects public use of Sunset Beach’s public beach, which tends to be under-utilized compared to Bolsa Chica State Beach and Huntington City and State beaches located just downcoast. The downcoast beaches are adjacent to large public parking lots. Both the beach and harbor are great visitor destinations, especially in the summer. During the peak use periods, the lack of parking can interfere with public access when visitors cannot find an available space to park.

The proposed development is a mixed-use restaurant and residential project. The City’s zoning requirement for residential use is two parking spaces per residential unit. The proposed project includes two parking spaces within a garage located on the first floor of the development to serve the residential unit, which meets the City’s parking standard. In addition, the proposed development includes 1,200 sq. ft. of restaurant serving area. The City’s zoning requirement for restaurant use in the Sunset Beach area is one parking space for each 100 sq. ft. of serving area (generating a parking demand of twelve spaces). The proposed development would provide twelve parking spaces on the ground floor (first floor). Thus, as proposed, the development will provide adequate the number of parking spaces required by the zoning code to serve the proposed uses.

In past actions for development in Sunset Beach, the Commission has relied on the Huntington Beach zoning code to provide guidance on the number of parking spaces required to ensure that adequate parking is provided onsite and that public access to nearby coastal recreation is not affected; however, the zoning code is not certified as the standard of review in Sunset Beach. The Commission may review other sections of the zoning code for guidance on design standards (e.g. setbacks, articulation), but is not required to review the entire zoning code because the Coastal Act is the standard of review. In this case, a member of the public has argued that the design of the parking areas is not consistent with the City’s zoning code, but as discussed in the visual resources section of the report, there are no coastal views through the property location and the height is consistent with the surrounding development. The City has reviewed the plans in concept and declared that they are consistent with the entire zoning code, but even if the plans did deviate from some provisions of the zoning code (e. g. setbacks, articulation), adequate parking is provided to ensure there will be no impacts to public access and there is no evidence that there would be adverse impacts to visual resources or other coastal resources protected under the Coastal Act, which is the standard of review.

To further assure public access is maximized, another parking consideration with new development is whether the project would have adverse impacts on existing, public parking such as on-street parking available to the general public. In this case public parking spaces are currently available adjacent to the site along Pacific Coast Highway and 18th Street. No changes to the 18th Street parking would result from the proposed development. The existing 30-ft. wide driveway along Pacific Coast Highway will be reduced to 26 ft. wide and shifted to the northwest. There are currently two on-street parking spaces on Pacific Coast Highway and two on street parking spaces will remain with the shift of the driveway. Thus, as proposed the project would not reduce any currently available, on-street public parking. There currently is no public parking available along North Pacific Avenue, and, although there will be a new driveway to serve the ground floor parking area, no change to the current public parking condition would result from the proposed project. North Pacific Avenue parking is available for residential permit holders only. The Commission has never reviewed or accepted this permit parking status. However, this applicant has no control over whether the area is available for public parking or limited to permit parking only. To assure that the applicant is aware of the importance of retaining on-street public parking now and in the future and that this development not interfere with continuance of that publicly available on-street parking, the Commission imposes **Special Condition No. 1**, which informs the applicant of this requirement.

June 3, 2021

Exhibit A

TO: California Coastal Commission
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802-4325

RE: CDP No 5-20-0630

I received notice from California Coastal Commission that Mr. Tony Sellas has opposed this development that will be heard at the June 2021 hearing.

Mr. Selas opposed this project in 2020 when the project was still being reviewed by the City of Huntington Beach. Mr. Selas sent a letter with his comments to the City of Huntington Beach prior to of the September 2020 hearing in front of the Zoning Administrator at the City of Huntington Beach. His items were addressed and the project was approved by the City of Huntington Beach.

On June 2, 2021 I spoke on the phone with Joanna Cortez, Planner with the City of Huntington Beach. Mr. Sellas comments were addressed and his comments are not consistent with the Sunset Beach Specific Plans Tourist District.

Following are my comments regarding Mr. Sellas reasons:

1. Mr. Sellas states that the documents are incomplete, but that is not true. The documents approved at the City of Huntington Beach hearing in September 2020 were submitted to the California Coastal Commission. A simple comparison to the approved set by the commission will prove that Mr. Selas is referring to outdated documents.
2. Mr. Sellas does not quote the correct setback for this project. This property is within the Tourist Zone and there are not any setbacks required. Mr. Sellas is referring to the "residential district" and those setbacks do not apply to this. The setbacks for the project are consistent with the Sunset Beach Specific Plan's Tourist District. There are no setbacks required for any portion of this building. The bicycle lane is wide, and Pacific is also a one-way street. This is no different that a bike lane next to the parking spaces along Pacific. The City of Huntington Beach approved the location of this garage, taking into all considerations of the one-way street and bicycle lane. Additionally, this garage for the residential portion of this project was designed similar to the last project approved by the California Coastal Commission at this same site.
3. Mr. Sellas claims that this project requires a CDP at the city level. However, the city has already reviewed and approved this. Per the city, the design of the parking lot is not a parking structure per the City's Ordinance: **Parking Structure**. A structure consisting of two or more levels used for parking of vehicles where parking spaces, turning radius, transition ramps, and drive aisles are incorporated within the structure, including automated parking structures. A surface level parking lot with a solid roof above is not considered a parking structure unless there is access for automobiles and parking stalls on the roof.

Thank you,
Cheryl DeMarco, Architect

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