

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Boulevard, Suite 300
Long Beach, CA 90802
(562) 590-5071



W13

5-20-0630-A1 (VISION DEVELOPMENT, LLC)

JULY 13, 2022

CORRESPONDENCE

Re: 5-20-0630-A1-(Vision Development, LLC) Immaterial Amendment

tony sellas <tony.sellas@gmail.com>

Thu 7/7/2022 5:10 PM

To: Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov>

Hi Mr. Sy,

I have several objections with this project. Attached is my appeal to the project and the Coastal Commission presentation.

The Coastal Commission never addressed any of my objections that this project violated Sunset Beach Specific plan and the 2010 Negative declaration. The negative declaration defined that annexation would not increase the intensity or density of the tourist and residential sections.

The Coastal Commission's amendment will have an adverse impact that can be a hazard to 1) public access, the safety of all bike riders and pedestrians on PCH and North and car traffic on PCH and North Pacific, 2) Increased the intensity and density of the Community. , 3) changes the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of Gross floor area.

Here are the details.

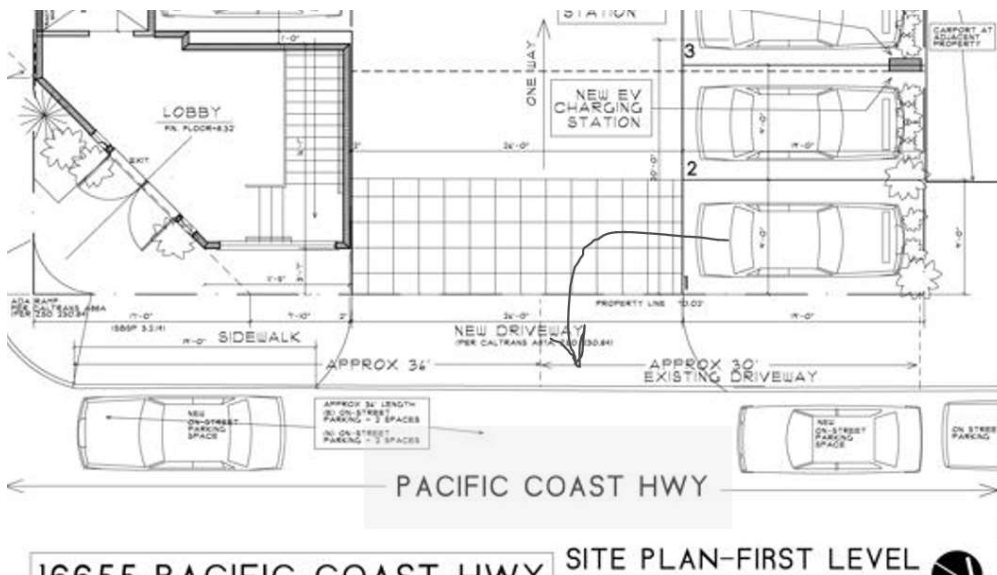
1) Did you know in 2020, the City changed the definition of a parking structure in the Coastal Zone. The change was never approved by the Coastal Commission. The City changed the definition, because I challenged this project in 2020. Before 2/03/2020 a parking structure was defined as a single story structure where cars parked, which required a 10 ft setback from the sidewalk and a 5 ft setback for car traffic ingress and egress. For example, check out the Best Western and the Travelodge hotel, located in Sunset Beach. What the City changed is a parking structure must have two (2) stories to be considered a parking structure. This changes everything. The problem is the City never defined; what a single parking structure is..

Here is the Hazard to the Public-

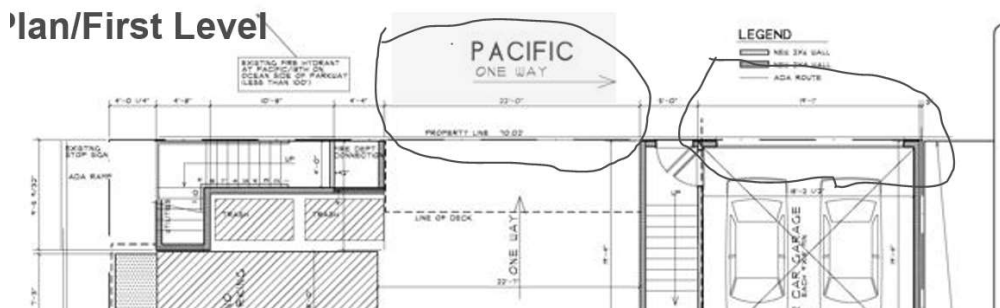
Important- Attached is my email conversation with the City planner and the link to the City Council meeting where a parking structure was redefined without the CC approval. "**16655 Pacific Coast Hwy. - City Changed the Definition of a parking structure.pdf**"

1) Hazard of the new Parking Structure definitions

- Because of the New Definition, the single story parking has NO car traffic ingress or egress setbacks on PCH or on North Pacific. For PCH, this means a car might have to wait on PCH if the parking structure is full or waiting for a parking spot.
- Parking spot Number one (1) will have to back out onto the sidewalk where people walk and ride bikes.



- On North Pacific, both the residential parking garage and the parking structure traffic will have to pull into North Pacific to see if any cars, bikes or people are coming. This is a hazard to all of the public.



- Future problems. How is the City and the Coastal Commission going to deny the next applicant in the Coastal zone that wants a single story parking structure. Demand the City defined a single story parking structure the ingress and egress setback, the setback and design from the sidewalks and the setback for any residential parking garage. Better yet, have the CC deny the City's new definition. For public safety, there needs to be a 5 ft. setback for all garages in the residential district. Why doesn't this residential garage require a setback?
- Solutions-
 - Deny this project based on the lot line adjustment.
 - Demand this project be reviewed by Caltrans.
 - Deny the City's redefinition of a parking structure.
 - CC deny the City definition of a parking structure.

2) Increased the intensity and density of the Community

- The City and the CC approved a negative declaration when HB annexed Sunset Beach. The main concern with the negative declaration is the City will not increase the intensity or density of the existing area. The City and the Coastal Commission have violated this, because the City redefined the definition of a parking structure. Now, the 2nd and 3rd floors are now built on an Accessory Use structure. In other words, it is a parking structure.

3) Changed the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of

Gross floor area-

- a parking structure is not the primary principle Use. It is an Accessory Use structure and is subordinate to the Primary principle Use. For Mix Use construction,, both the Sunset Beach Specific Plan and the HBZO, requires the residential to be built above the first floor of the primary principle Use, which is the Commercial business. This project now shatters this concept in the Coastal zone. Now in Sunset Beach and anywhere in the Coastal Commission's jurisdiction, all residential and Commercial can be built above a parking structure or a parking garage with no setback . I .

SBSP 3.3.2 (C)(4)(A)

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. Residential Uses:
 - a. Located above the first floor of a Principal Permitted Use.

- Since the parking structure is not considered in the Gross sq ft area of the Primary Principle Use, The intensity of the construction is increased by 1/3. 1/3 for the parking structure, 1/3 for the commercial and 1/3 for the residential.

Please deny this project for public safety, for not violating the Sunset Beach Specific plan and the negative declaration.

Regards,

Tony Sellas

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed development will not result in adverse impacts to public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act. The amended project including the elimination of the interior lot line between

On Tue, Jul 5, 2022 at 9:33 AM Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov> wrote:

Hello,

You are being notified since you are identified as a known interested party for the 5-20-0630-A1- (Vision Development, LLC) project. An Immaterial Amendment to the project will be heard before the California Coastal Commission at its July 2022 hearing on Wednesday, July 13, 2022 as Item No. W13. I have attached a copy of the notice.

Please follow the link below to the agenda for additional information.

[California Coastal Commission](#)

Fernie Sy

Coastal Program Analyst II

California Coastal Commission

South Coast Area Office

301 E. Ocean Blvd, Suite 300

Long Beach, CA 90802

(562) 590-5071

Please note that public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov.

RESTAURANT AND RESIDENTIAL UNIT (VISION DEVELOPMENT, LLC)

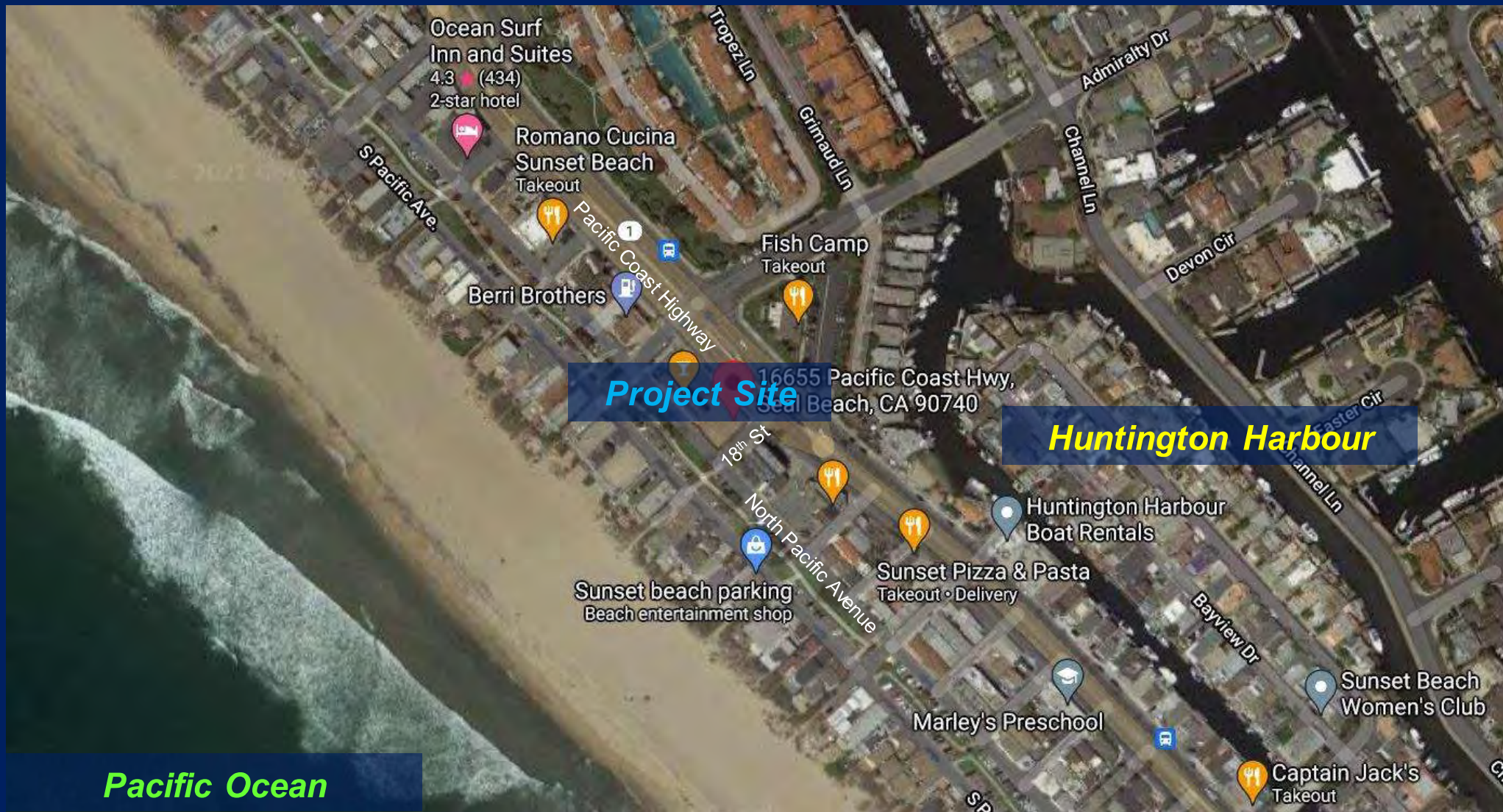
ITEM W19D – CDP No. 5-20-0630



16655 Pacific Coast Hwy
Sunset Beach Community
Huntington Beach
Orange County



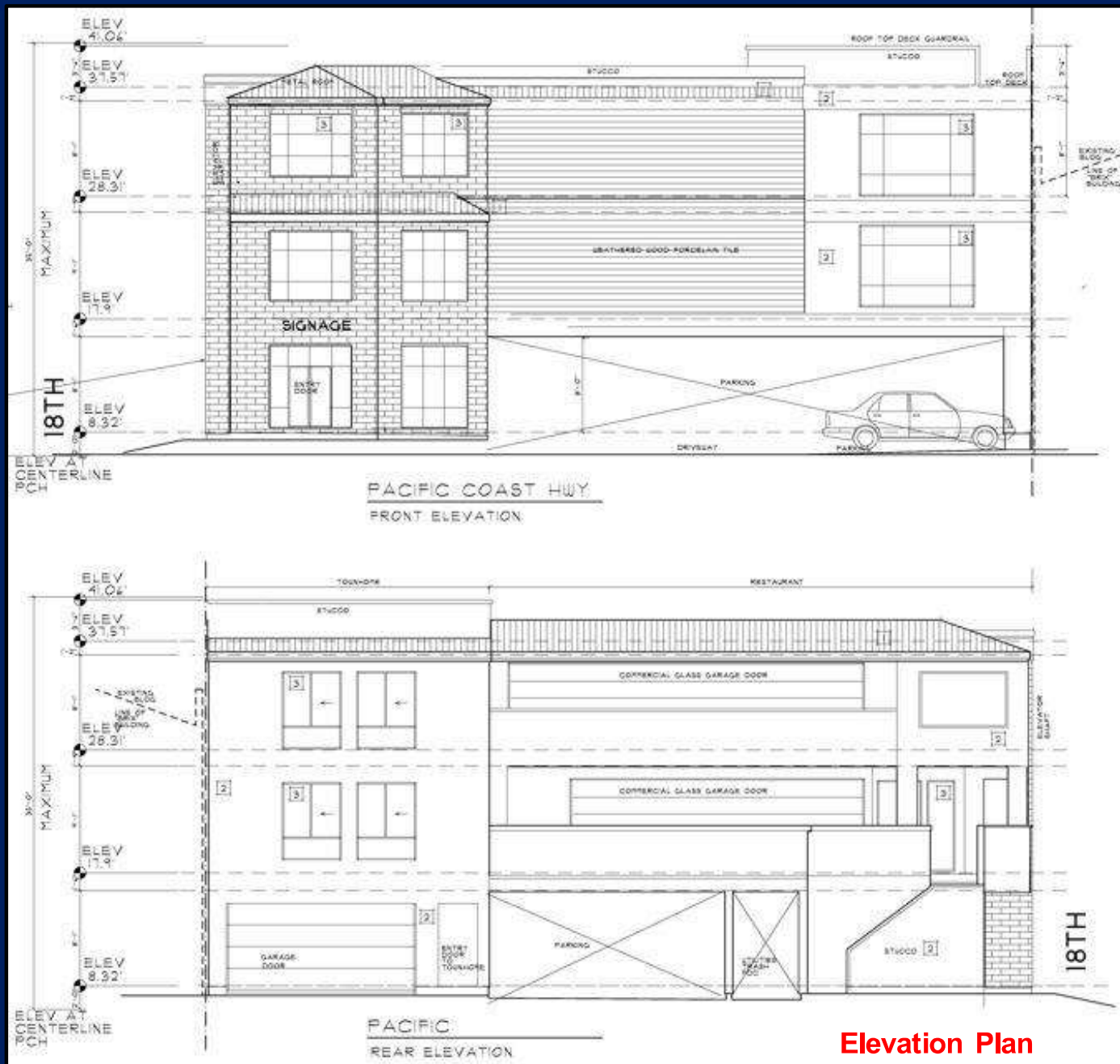
LOCATION MAP



Site Plan/First Level



ELEVATION PLAN



Elevation Plan

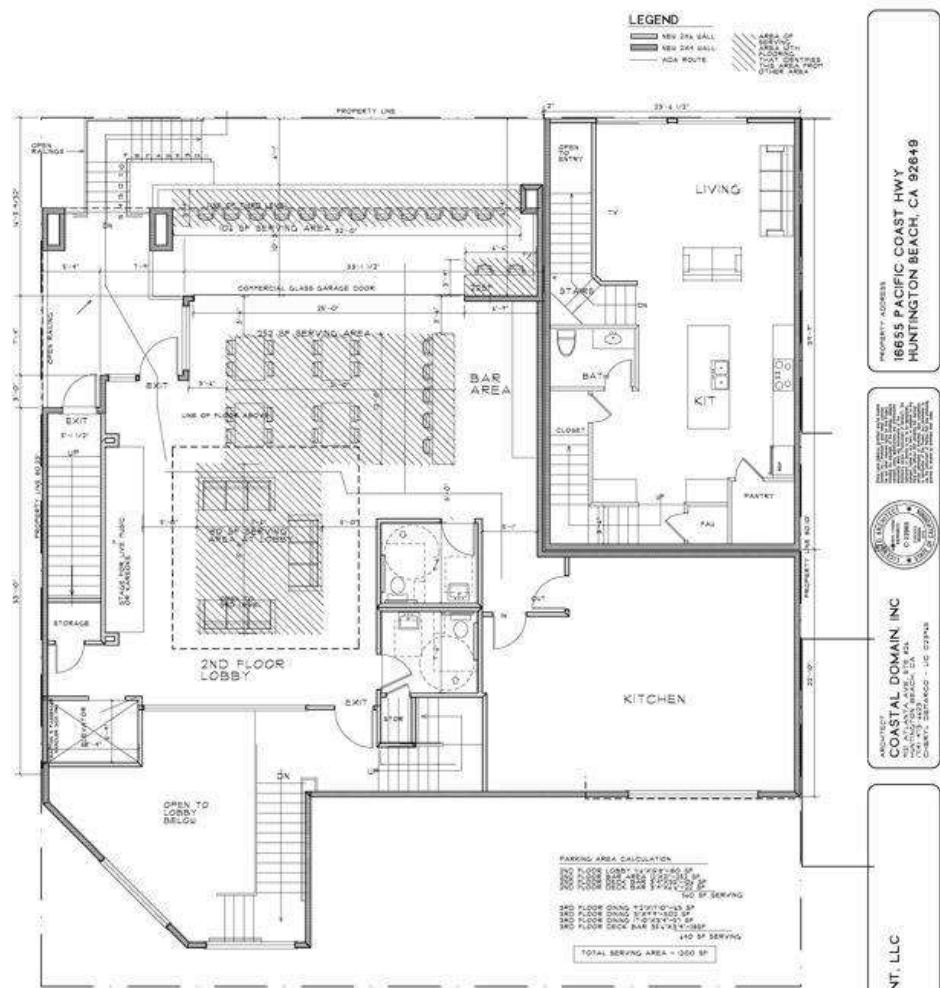
RECOMMENDATION

Commission staff recommends approval of the proposed project subject to special conditions regarding the following:

1. Acknowledgement that the project shall not interfere with existing on-street public parking spaces along Pacific Coast Highway and along 18th Street;
2. Acknowledgement of no future shoreline protective devices;
3. Acknowledgement of assumption of risk, waiver of liability and indemnity;
4. Acknowledgement that future development requires a permit amendment or new coastal development permit;
5. Implementation of construction responsibilities and debris removal requirements;
6. Submittal of a marine debris reduction program;
7. Acknowledgement of landscaping requirements; and
8. Recordation of a deed restriction.

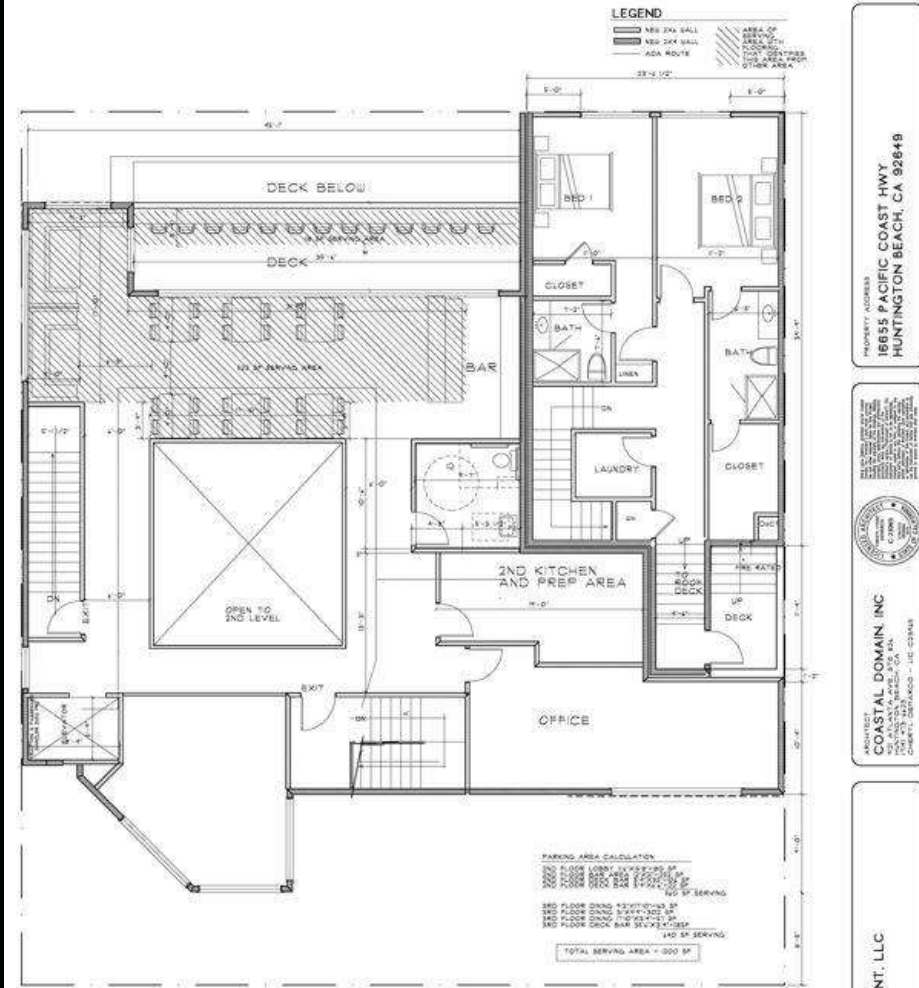
(see staff report page 5 for Approval motion)

2ND & 3RD FLOOR PLANS



Second Level

16655 PACIFIC COAST HWY SECOND LEVEL
SCALE: 1/4"=1' PROPOSED PLAN



Third Level

16655 PACIFIC COAST HWY THIRD LEVEL
SCALE: 1/4"=1' PROPOSED PLAN

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



July 1, 2022

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-20-0630-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: **Development previously approved pursuant to Coast Development Permit No. 5-20-0630 granted to Vision Development, LLC for:**
Construction of a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with twelve parking spaces for the restaurant and two parking spaces for the townhome on a vacant lot. The project also includes an after-the-fact permit request for demolition of the pre-existing commercial building on the site and grading of the lot.

Project Site: 16655 Pacific Coast Highway, Sunset Beach, Huntington Beach (Orange County) (APN(s): 178-523-09)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

This project also includes a lot line adjustment in order to eliminate an interior lot line between Lots 1 and 2. This is necessary as the City does not allow new development to occur over a lot line.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed development will not result in adverse impacts to public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act. The amended project including the elimination of the interior lot line between

Notice of Proposed Immaterial Permit Amendment
5-20-0630-A1

the two subject lots where the project is located will not alter the previously approved project. In addition, the amended project will not result in any changes to the special conditions imposed on the original project. Therefore, the proposed amendment is consistent with the underlying permit approval (CDP# 5-20-0630) and is consistent with the Chapter 3 policies of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Fernie Sy at the phone number provided above.

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File



tony sellas <tony.sellas@gmail.com>

Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

1 message

tony sellas <tony.sellas@gmail.com>

Tue, Sep 22, 2020 at 10:04 AM

To: "Cortez, Joanna" <Joanna.Cortez@surfcity-hb.org>

Hi Joanna,

You're correct. The old definition of a parking structure allowed a single story parking structure. The new definition does not. Therefore you are correct in that the City Council outlawed the single story parking structure. This project has a single story parking structure and is in violation of the zoning codes found in 206.03.

If you are going to call the parking garage structure something else, please provide the zoning code that supports your claim. Otherwise you will be committing fraud and intentionally misleading me and the public.

I will be appealing the project to the Planning Commission and the City Council.

Sincerely,

Tony Sellas

On Thu, Sep 17, 2020 at 4:30 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi Tony,

The project was approved with modifications. The approved site plan is attached. The proposed parking is not considered a parking structure based on City Council's zoning text amendment approval. The following is the link to the Zoning Text Amendments that were approved by the City Council: <https://huntingtonbeach.legistar.com/LegislationDetail.aspx?ID=4316840&GUID=C596B6FA-37E1-49C6-9E0E-A0CA6F36FECC> Please see Attachment No. 3 for the parking structure definition.

The notice of action should be posted soon on the City's website and the minutes of the meeting will be posted in the next week.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Thursday, September 17, 2020 3:47 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Can you please send me the meeting details

Thank you,

Tony

On Thu, Sep 17, 2020, 9:50 AM tony sellas <tony.sellas@gmail.com> wrote:

Hi Joanna,

What was the verdict of the meeting yesterday concerning the parking garage structure?

Please provide the details.

Thank you,

Tony

On Wed, Sep 16, 2020 at 1:46 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

I'm sorry you are having trouble joining the meeting, but once again, here is the password: 176830. We will wait for you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Wednesday, September 16, 2020 1:43 PM

To: Gates, Michael <Michael.Gates@surfcity-hb.org>; Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Fwd: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Dear Mr. Gates,

I am trying to call in and protest a zoning administration projection.

The password code does not work. Attached is the Zoning Administration's agenda with the password.

This is a very important meeting i am current denied to participate in.

I am sending the you to document the failure on Zoning Administrator to provide the correct code.

The meeting was called off early this morning then I received another email say it was back on. Please see the entire email correspondence below with the planner Joanna Cortez.

What action do I need to take to resolve this issue.


Thank you,

Tony Sellas

Zoning Administrator
Wednesday, September 16, 2020
1:30 PM - Regular Meeting
AGENDA

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

JOANNA CORTEZ, Associate Planner
 ISELA SIORDIA, Administrative Secretary



Zoning Administrator
 RICKY RAMOS, Senior Planner

DUE TO GOVERNOR NEWSOM'S EXECUTIVE ORDER and the City Council's Declaration of Local Emergency regarding the Covid-19 pandemic, the City will be holding the Zoning Administrator public hearing via the Zoom meeting platform. Public comments may be submitted via two options:

- 1) Submit written comments to community.development@surfcity-hb.org (reference Zoning Administrator and the agenda item number) by 10:00 AM the day of the meeting. If you would like your e-comment read aloud at the hearing, please indicate so in your email, or
- 2) Join the meeting remotely from your phone.

Please let staff know at the start of the meeting that you wish to speak on a particular item. You will have **THREE MINUTES** to speak, per person, no donating of time. The following is the phone number for the Zoom meeting and dial-in instructions:

a. Phone Number: +1 866 900 5633 US (toll free)
b. Meeting ID: 460 3157 8231

Any interested parties can participate in the public hearing via telephone. The dial-in information is the same as Option 2, which is listed above. All interested parties are invited to contact the staff planner at 714-536-5271 before the meeting if you have any questions about the project or if you need information or participating in the public hearing.

CALL TO ORDER

PUBLIC COMMENTS

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Zoning Administrator can take no action on this date, unless the item is agendaized. Anyone

----- Forwarded message -----

From: **tony sellas** <tony.sellas@gmail.com>

Date: Wed, Sep 16, 2020 at 1:34 PM

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)


To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Hi Joanna,

The password is not working. What is the correct password?

Zoning Administrator
Wednesday, September 16, 2020
1:30 PM - Regular Meeting
AGENDA

JOANNA CORTEZ, Associate Planner
 ISELA SIORDIA, Administrative Secretary



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

Zoning Administrator
 RICKY RAMOS, Senior Planner

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b. Meeting ID: 440 3157 8231

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CALL TO ORDER

PUBLIC COMMENTS

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Zoning Administrator can take no action on this date, unless the item is agendaized. Anyone

On Wed, Sep 16, 2020 at 11:34 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

The applicant has decided to proceed with today's meeting. Please feel free to join us today at 1:30. I apologize for any confusion. Thank you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Wednesday, September 16, 2020 10:01 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Thank you for the update.

I do appreciate your work on this project and taking time to answer my questions.

I have reviewed many plans and so far yours are the best. You are very thorough. For example I never seen Cal Trans approvals on any plans. I will request that moving forward.

You required the 1:1 replacement of on street parking. Many planners in the residential district are approving townhomes and removing on-street public parking without replace it.

As the developer said, Sunset Beach is a very special place and the parking garage structures with no setbacks is a big deal.

Sunset Beach, safety and public access is something to fight for.

Thank you again.

Tony Sellas

On Wed, Sep 16, 2020, 9:27 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi Tony,

Just wanted to inform you that today's item has been continued to a future ZA meeting; I do not have that date right now.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Tuesday, September 15, 2020 8:59 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

I am opposed to this project. Please submit this entire email thread and my presentation as proof to my opposition for the 9/16/2020 Zoning Administration meeting CDP 20-012, mix use project located at 16655 PCH 90742.

If this project passes I will be appealing it to the Planning Commission and the City Council.

The issues are listed below.

1. Per the project's drawings, the commercial parking garage is a parking structure. Per the HB zoning code [231.18 Design Standards \(G\)](#) parking structure/garages are required to be approved by the Planning Commission and reviewed and approved by the Design Review Board. The planner Joanna Cortez gave false information on 9/15/2020 stating the documented parking garage is a "surface/ground level parking". Ms Cortez refused to provide the zoning code or the term located in the project's drawing that supported her claim that the parking garage structure is really a "surface/ground level parking".
2. Public safety issue - The car aisle width is only 23 ft wide. Should the width be 26 ft wide required by 231.14.
3. Public safety issue - Will the car parked in the parking space #1 need to back up onto the sidewalk and PCh to exit the structure?
 4. Public safety issue - The parking garage for the residential needs to have a 5 ft. setback per the SBSP
 5. Public safety issue - Does the parking structure's driveway exiting onto North Pacific require a wider driveway view angle to the drive to see oncoming traffic and pedestrians.
6. The resident portion is not located above the primary principal use, but above the parking garage. The parking garage is not the principal permitted use. The resident is adjacent to the primary permitted use.

Thank you,

Tony Sellas

On Tue, Sep 15, 2020 at 2:37 PM tony sellas <tony.sellas@gmail.com> wrote:

There is no such description in the zoning codes.

If there is you need to send it to me.

Please used the description defined in the plans "Parking Garage". The phrase "surface/ground level parking is not used in the plans or the zoning codes and is a fraudulent statement meaning to deceive me.

The staff has no authority to create zoning code on their own.

The hb zoning code 203.06 definition for a Parking structure is " a structure used for parking of vehicles (the plan states a parking garage) where parking radius (radius for the parking spaces) and drive aisle are incorporated within the same structure"

The hb zoning code 203.06 defines a Structure as "anything constructed or erected that requires a location on the ground.." in this case the structure is a

"surface/ground level parking" garage structure or parking structure.

The "parking garage structure" as described by the plans is used to park 12 cars for the commercial business. The business sits on top of the 2nd floor of the parking garage structure.

The parking structure requires an approval of the Design review Board and approved by the Planning Commission.

Please do not commit fraud.

Regards,

Tony

On Mon, Sep 14, 2020, 4:52 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

The commercial parking is surface/ground level parking. It is not a parking structure.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Monday, September 14, 2020 3:25 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

I don't mean to bother you, but I want to make sure I receive the answer before the end of the day.

The questions was

On page 5, I see the parking garage for the residents has a garage door. Will the parking garage for the commercial section have a garage door on the entrance and exit as well?
Or is the parking garage more or less a parking structure?
Thanks,

On Mon, Sep 14, 2020 at 9:06 AM tony sellas <tony.sellas@gmail.com> wrote:

Hi Joanna,

I see. I didn't think Cal-Trans approval was required. It would be nice if Cal trans would put a cross walk by the Starbucks. It is crazy around there during the summer months.

I have one other question please.

On page 5, I see the parking garage for the residents has a garage door. Will the parking garage for the commercial section have a garage door on the entrance and exit as well?
Or is the parking garage more or less a parking structure?
Thanks,

On Mon, Sep 14, 2020 at 8:38 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Tony,

We ask applicants to begin working with Caltrans early in the project. Caltrans approval is required by the City but not necessarily at the time of entitlement submittal.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>
Sent: Thursday, September 10, 2020 10:21 AM
To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>
Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Ok. I learning.

Was the Cal trans approval required by the City?

Or does the developer have to submit plans to cal trans for their approval?

Sorry for the off the wall questions.

Tony

On Thu, Sep 10, 2020, 10:09 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Tony,

That document was not part of the submittal but I will forward your request to the applicant. Thank you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Thursday, September 10, 2020 10:04 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Can you please send me the Cal Trans approval paper work or application for the PCH driveway and handycap curb on the corner?

Thank you,

Tony Sellas

On Tue, Sep 8, 2020, 6:18 PM tony sellas <tony.sellas@gmail.com> wrote:

Thanks Joanna,

That is interesting.

One more question please. On page 2, I noticed the driveway was approved per Cal-Trans. Can you please provide the Cal-Trans approval?

I am interested in what the application/paperwork it looks like.

Thanks,

Tony

On Tue, Sep 8, 2020 at 4:51 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi tony,

Yes, that is correct.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Tuesday, September 8, 2020 4:27 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Thank you for the plans. The project looks good. It was hard to visualize the project from the written description.

I have a question about the zoning matrix on page 1 of the report. Below is the highlighted section of the matrix.

Does SBSP 3.3.4 B2 (replacing existing on street parking at a 1:1 ratio) mean if the project removes an on street public parking spot it must be replaced?

.

Thanks, Tony

On Tue, Sep 1, 2020 at 8:21 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Good evening,

I have attached a copy of the plans per your request. Please note the public hearing has been continued to September 16th.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Saturday, August 29, 2020 11:06 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna Cortez,

Since access is restricted to review the plans, can you please send me the basic plans drawings for the building's layout and position on the lot?

Thank you,

Tony Sellas

The project is listed below.

Zoning Administrator AGENDA September 2, 2020

20-1849 CONDITIONAL USE PERMIT NO. 20-012 (PCH MIXED USE BLDG.)

REQUEST:

To permit the construction of a three-story mixed use building consisting of: 1) a three-story, 5,968 sq. ft. restaurant with 545 sq. ft. of outdoor dining and the sale, service, and consumption of alcohol (ABC License Type 47); 2) ground level parking to serve the commercial use; and 3) a three-story 1,716 sq. ft. townhome with a 364 sq. ft. two-car garage and an 825 sq. ft. roof top deck. The project is located in the non-certified Sunset Beach Specific Plan area and includes a review via an "approval in concept" process for the construction of the project.

LOCATION:

16655 Pacific Coast Highway, 92649 (northeast corner of PCH and 18th St. - Sunset Beach

Request for an appeal

- The project is located at 16655 PCH Sunset Beach 90742
- The CDP 20-012 was approved by the Zoning Administrator on 9/16/2020.
- The project is a mix use project.

At the 9/16/2020 Zoning Administration meeting, I submitted a presentation opposing this project, because of public safety issues and a made up zoning codes standard for a parking structure.

In my email exchange with the Planner Joanna Cortez, Ms. Cortez call the project's parking garage structure a **"surface/ground level parking"**. The term "surface/ground level parking" is not found in the HB zoning codes or in the Sunset Beach Specific Plan. The Staff does not have the authority to make up new zoning codes to fit a project. This is fraud.

For transparency please appeal this project to address the public safety issues and to clearly identify the definition of a parking structure.

This is important, because this will be the new building standard not only in Sunset Beach but throughout the entire City.

Attached is the project's drawings and my email correspondence with the Planner Cortez.

Below are the safety issues I identified per for this project.

Below are my concerns.

1.The proposed single story parking garage structure fails to meet the required two story minimum to be considered a parking structure. The proposed single story parking structure is not a permitted structure or a parking lot, parking facility or "surface/ground level parking". A parking garage structure is defined by the City zoning codes 206.03. The SBSP section 3.3.2 (E) defines a parking structure as a accessory use structure and not the principle permitted use.

2.The site yard cover size of the parking garage structure is 95%, which well excess the 25% yard coverage area per the SBSP 3.3.7(5).

3. Parking spot #1 - SBSP – 3.3.4 (A)(2)(d) Parking stalls for commercial uses requiring backing onto public streets shall be prohibited, except where they presently exist. **Safety issue - The #1 parking spot did not presently exist. This new and is prohibited. Public safety issue -The car will need to back out onto a public sidewalk and into PCH to exit the parking stall.**

4.For the parking garage structure, the drive aisle with 90 degree turn radius are required to be 26ft. This drive aisle is only 20 ft at the entrance to the structure and 23 ft width inside of the structure. See 231.14 Parking Space Dimensions.

5.Public safety issue - The parking garage for the residential needs to have a 5 ft. setback per the SBSP. Currently there is no planned setback for the residential garage. Two cars will need to back directly out onto North Pacific Ave and the bike path. The 5 ft. setback is required for all garages in the residential district.

6.The resident portion is not located above the primary principal use, but above the parking garage. The resident is adjacent to the primary permitted use.

7.The entire commercial portion of the project is located directly above the parking garage structure, which is a Accessory structure and not the primary principle use.

Email from Joanna Cortez. This is a misleading statement.

On Mon, Sep 14, 2020, 4:52 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

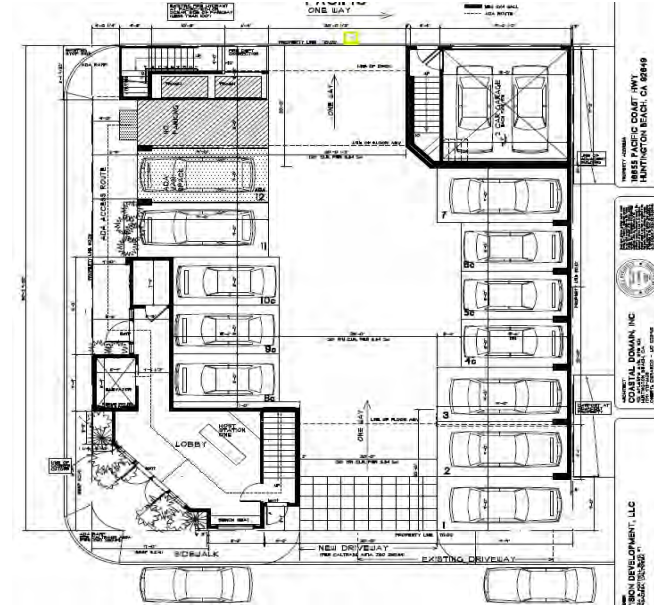
The commercial parking is surface/ground level parking. It is not a parking structure.

Joanna Cortez | 714.374.1547

Zoning codes 203.06

Structure. Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas.

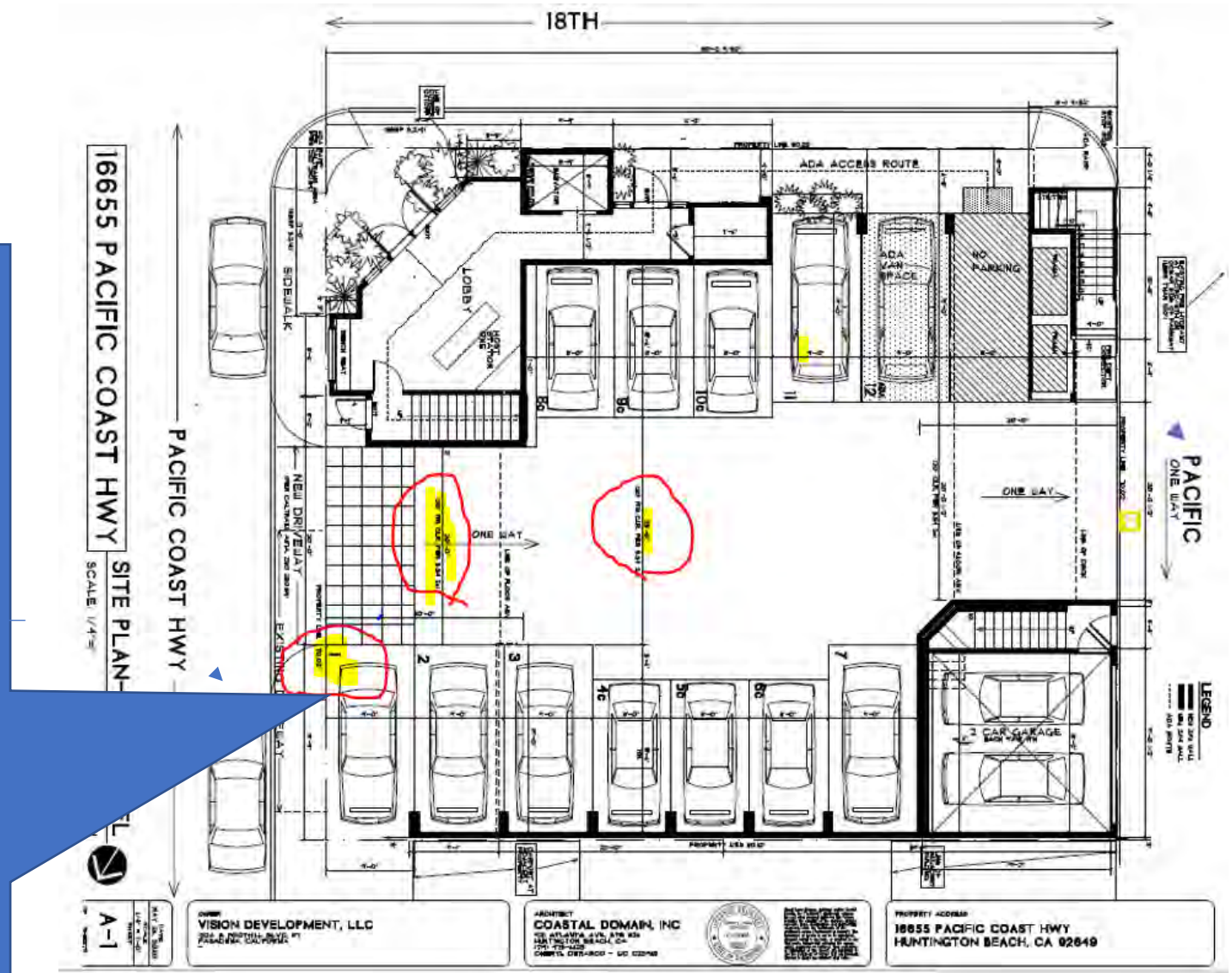
Parking Structure. A structure consisting of two or more levels used for parking of vehicles where parking spaces, turning radius, transition ramps, and drive aisles are incorporated within the structure, including automated parking structures. A surface level parking lot with a solid roof above is not considered a parking structure unless there is access for automobiles and parking stalls on the roof.



- The parking structure for this project violates the zoning code defined in 203.06, because it does not have two or more levels.
- The parking for the commercial portion of the mixed use project is located in a structure. The restaurant is located on the 2nd floor of the parking structure. The restaurant is not located above a parking lot, facility or a "surface/ground level parking".
- A structure is anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives or similar paved area. The plan refer to the structure as a parking garage structure.
- This single story parking garage structure is used for parking cars in parking spaces with 90 degree turning radius and a drive aisle. But it does not have two or more stories, therefore it is not a parking structure, parking lot, parking facility or "surface/ground level parking". What is the correct zoning code for this made up structure?

Safety issues concerning parking spot #1

- 1) SBSP – 3.3.4 (A)(2)(d) Parking stalls for commercial uses requiring backing onto public streets shall be prohibited, except where they presently exist. **The #1 parking spot did not exist. This new and is prohibited.**
- 2) The drive aisle with 90 degree is required to be 26ft. **This drive aisle is only 20 ft. See 231.14 Parking Space Dimensions. This will force the car to back onto the sidewalk and street.**
- 3) The car parked in location #1 will have to back onto a public sidewalk and PCH to exit the parking structures.
- 4) The building has no front or rear setbacks. This creates a blind shot for the driver when entering and exiting the building . Vehicles exiting the parking structure will have to pull half way forward onto North Pacific Ave to check for on coming traffic. This is because there is not setback.



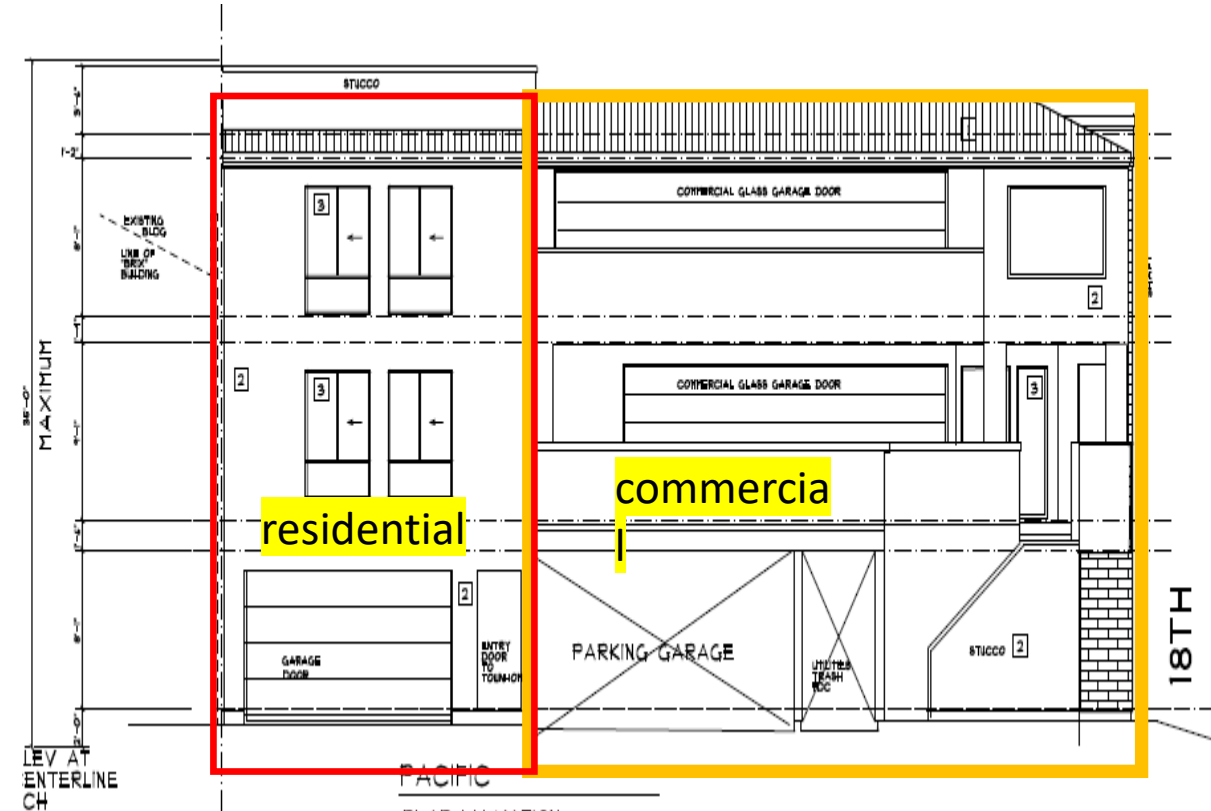
SBSP 3.3.2 (C)(4)(A)

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. **Residential Uses:**
 - a. **Located above the first floor of a Principal Permitted Use.**
 - b. Parking for both the primary commercial uses and the residential use conforms to Section 3.3.4 of these regulations.
 - c. Such residential use shall not exceed 50 percent of the gross square footage of the entire structure. Additions to lawful nonconforming residential uses are permitted if their cost does not exceed 50 percent of the market value of the residential use.

The resident unit is not located above the primary commercial use. The parking garage/parking structure is the first floor and in not the primary permitted use.



The residential is located adjacent not above

231.14 Parking Space Dimensions

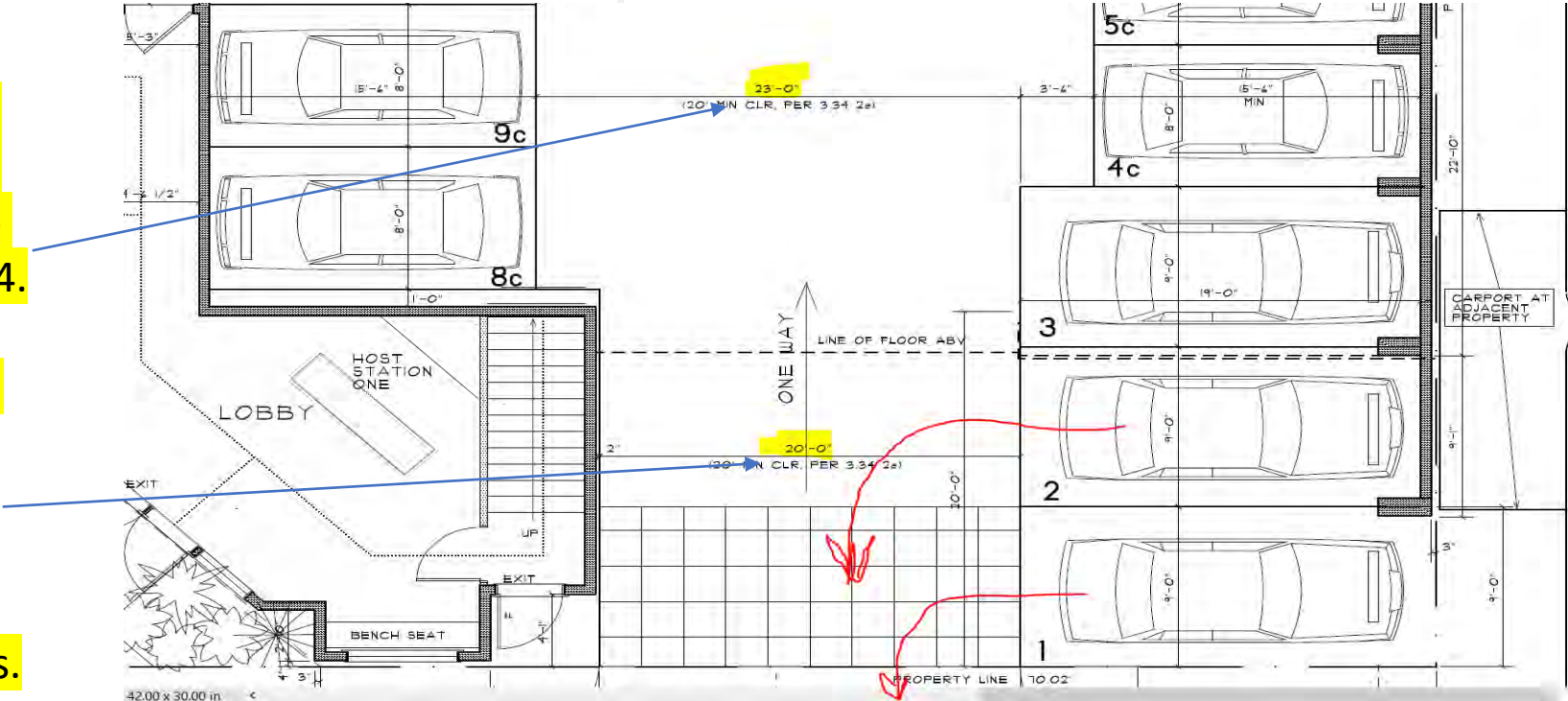
Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established.

Angle of Parking	Stall Width	Stall Depth	Aisle Width ¹	
			1-way	2-way
0° (Parallel)	9	19 ²	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
Bicycle	8	17	subject to § 231.20	

¹ Minimum 24 feet when determined by Fire Department to be a fire lane.

² With 8 ft. striped maneuvering area between every 2 spaces.

1. Inside the parking garage structure- the aisle width are only 23 ft wide not 26 ft wide required by 231.14.
2. The full size parking stalls located in the driveway entrance are 90 degree stalls are require a 26ft turn radius. This project only has a 20ft turn radius.



Re: 5-20-0630-A1-(Vision Development, LLC) Immaterial Amendment

tony sellas <tony.sellas@gmail.com>

Thu 7/7/2022 6:03 PM

To: Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov>

Hi Mr. Sy,

I forgot to add the City's ordinance document that defines the parking structure changes. This should help you in reviewing my objection to this project.

Thank you,

Tony Sellas

On Thu, Jul 7, 2022 at 5:10 PM tony sellas <tony.sellas@gmail.com> wrote:

Hi Mr. Sy,

I have several objections with this project. Attached is my appeal to the project and the Coastal Commission presentation.

The Coastal Commission never addressed any of my objections that this project violated Sunset Beach Specific plan and the 2010 Negative declaration. The negative declaration defined that annexation would not increase the intensity or density of the tourist and residential sections.

The Coastal Commission's amendment will have an adverse impact that can be a hazard to 1) public access, the safety of all bike riders and pedestrians on PCH and North and car traffic on PCH and North Pacific, 2) Increased the intensity and density of the Community. , 3) changes the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of Gross floor area.

Here are the details.

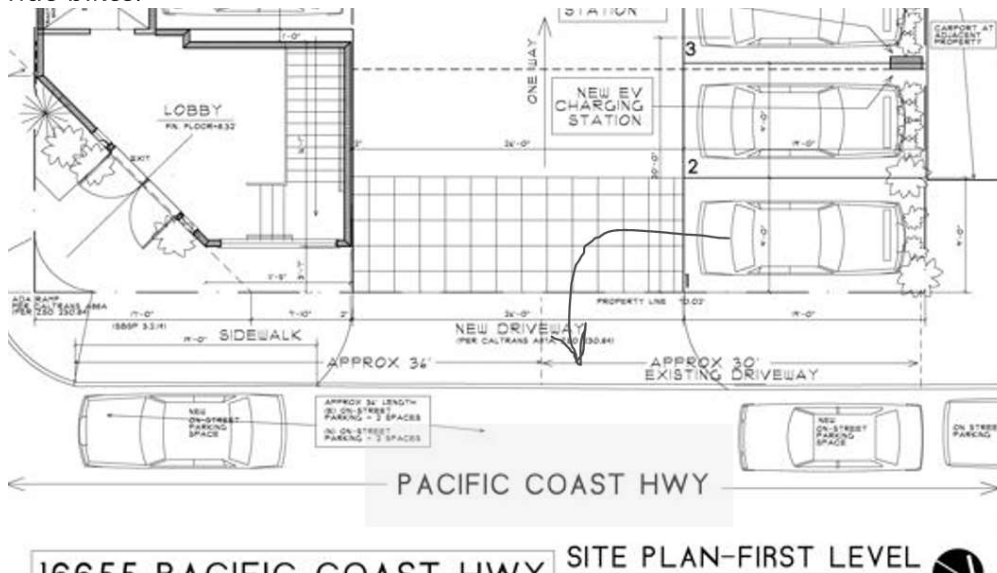
1) Did you know in 2020, the City changed the definition of a parking structure in the Coastal Zone. The change was never approved by the Coastal Commission. The City changed the definition, because I challenged this project in 2020. Before 2/03/2020 a parking structure was defined as a single story structure where cars parked, which required a 10 ft setback from the sidewalk and a 5 ft setback for car traffic ingress and egress. For example, check out the [Best Western](#) and the [Travelodge hotel](#), located in Sunset Beach. What the City changed is a parking structure must have two (2) stories to be considered a parking structure. This changes everything. The problem is the City never defined; what a single parking structure is..

Here is the Hazard to the Public-

Important- Attached is my email conversation with the City planner and the link to the City Council meeting where a parking structure was redefined without the CC approval. "**[16655 Pacific Coast Hwy - City Changed the Definition of a parking structure.pdf](#)**"

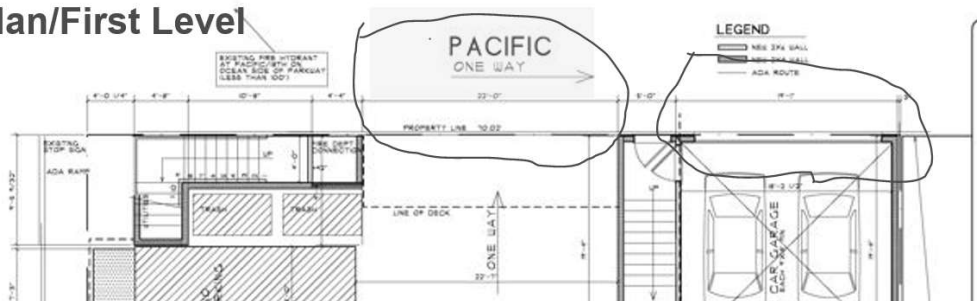
1) Hazard of the new Parking Structure definitions

- Because of the New Definition, the single story parking has NO car traffic ingress or egress setbacks on PCH or on North Pacific. For PCH, this means a car might have to wait on PCH if the parking structure is full or waiting for a parking spot.
- Parking spot Number one (1) will have to back out onto the sidewalk where people walk and ride bikes.



- On North Pacific, both the residential parking garage and the parking structure traffic will have to pull into North Pacific to see if any cars, bikes or people are coming. This is a hazard to all of the public.

Plan/First Level



- Future problems. How is the City and the Coastal Commission going to deny the next applicant in the Coastal zone that wants a single story parking structure. Demand the City defined a single story parking structure the ingress and egress setback, the setback and design from the sidewalks and the setback for any residential parking garage. Better yet, have the CC deny the City's new definition. For public safety, there needs to be a 5 ft. setback for all garages in the residential district. Why doesn't this residential garage require a setback?
- Solutions-
 - Deny this project based on the lot line adjustment.
 - Demand this project be reviewed by Caltrans.
 - Deny the City's redefinition of a parking structure.
 - CC deny the City definition of a parking structure.

2) Increased the intensity and density of the Community

- The City and the CC approved a negative declaration when HB annexed Sunset Beach. The main concern with the negative declaration is the City will not increase the intensity or density of the existing area. The City and the Coastal Commission have violated this, because the

City redefined the definition of a parking structure. Now, the 2nd and 3rd floors are now built on an Accessory Use structure. In other words, it is a parking structure.

- .

3) Changed the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of Gross floor area-

- a parking structure is not the primary principle Use. It is an Accessory Use structure and is subordinate to the Primary principle Use. For Mix Use construction,, both the Sunset Beach Specific Plan and the HBZO, requires the residential to be built above the first floor of the primary principle Use, which is the Commercial business. This project now shatters this concept in the Coastal zone. Now in Sunset Beach and anywhere in the Coastal Commission's jurisdiction, all residential and Commercial can be built above a parking structure or a parking garage with no setback . I .

SBSP 3.3.2 (C)(4)(A)

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. Residential Uses:
 - a. Located above the first floor of a Principal Permitted Use.

- Since the parking structure is not considered in the Gross sq ft area of the Primary Principle Use, The intensity of the construction is increased by 1/3. 1/3 for the parking structure, 1/3 for the commercial and 1/3 for the residential.

Please deny this project for public safety, for not violating the Sunset Beach Specific plan and the negative declaration.

Regards,

Tony Sellas

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed development will not result in adverse impacts to public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act. The amended project including the elimination of the interior lot line between

On Tue, Jul 5, 2022 at 9:33 AM Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov> wrote:

Hello,

You are being notified since you are identified as a known interested party for the 5-20-0630-A1- (Vision Development, LLC) project. An Immaterial Amendment to the project will be heard before the California Coastal Commission at its July 2022 hearing on Wednesday, July 13, 2022 as Item No. W13. I have attached a copy of the notice.

Please follow the link below to the agenda for additional information.

[California Coastal Commission](#)

Fernie Sy

Coastal Program Analyst II

California Coastal Commission

South Coast Area Office

301 E. Ocean Blvd, Suite 300

Long Beach, CA 90802

(562) 590-5071

Please note that public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov.

ORDINANCE NO. 4196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE TITLED OFF-STREET PARKING AND LOADING
PROVISIONS
(ZONING TEXT AMENDMENT NO. 19-002)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-002, which amends Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional off-street parking and loading requirements utilized within the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

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

SECTION 1. That Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance titled Off-Street Parking and Loading Provisions is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 231 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at
a regular meeting thereof held on the ____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

lll

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Mark R. Perry

Director of Community Development

Exhibit A: Legislative Draft

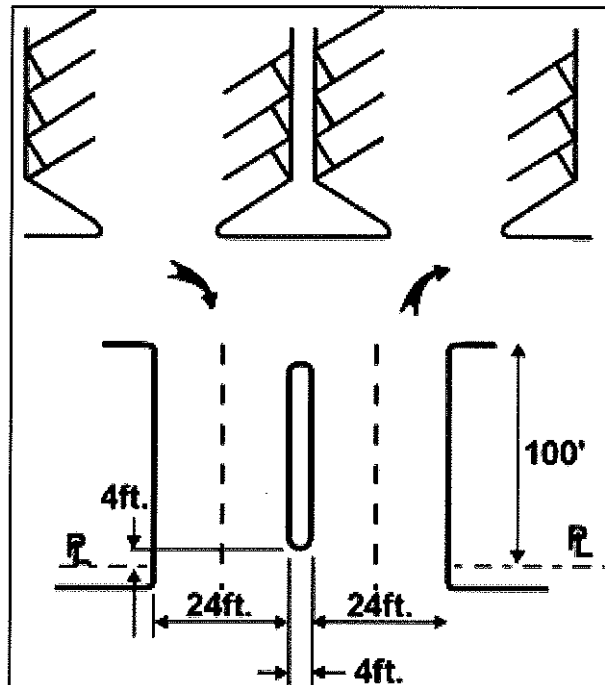
Chapter 231 OFF-STREET PARKING AND LOADING PROVISIONS

231.18 Design Standards

A. **Public Works Requirements.** Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width.

B. **Circulation Design.** All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development.

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B.

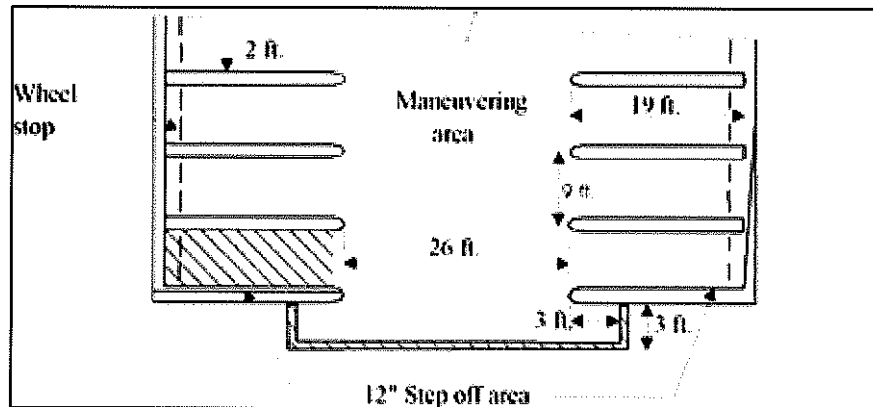


Commercial Center Main Entrance for Parking Lots With Over 200 Spaces

Diagram B

A minimum three-foot-by-three-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the

end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



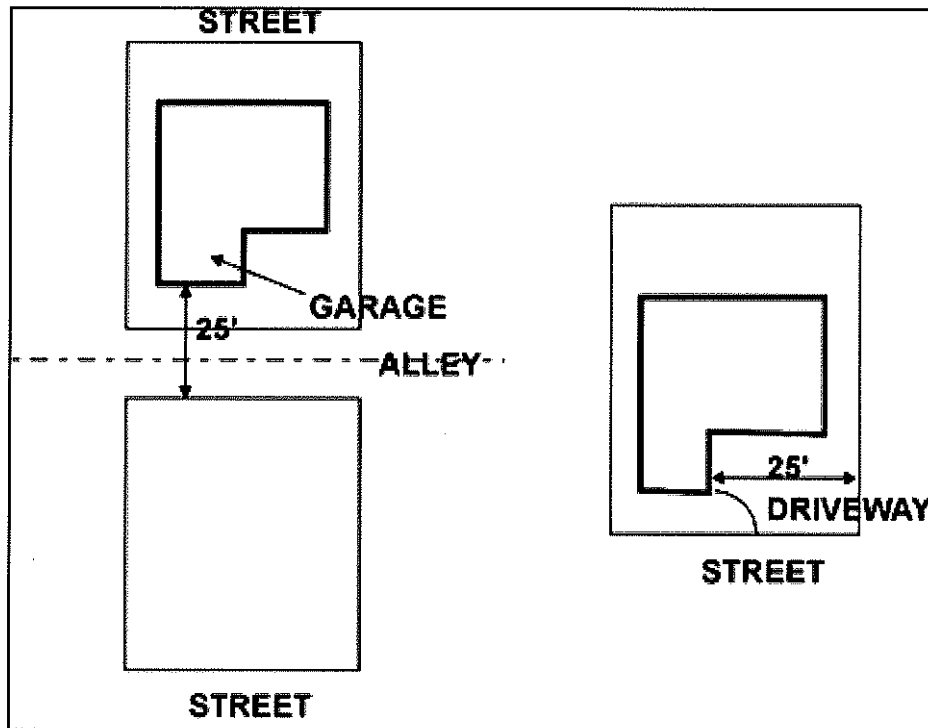
Turnaround Space and Maneuvering Area

Diagram C

C. **Illumination.** All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system.

D. Residential Parking.

1. **Garages and Carports.** All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property.
2. **Assignment of Spaces.** Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests.
3. **Turning Radius.** The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet (see Diagram D).



Turning Radius
Diagram D

4. Driveway Width.

Length of Drive	Minimum Driveway Width
150 feet or less	10 ft. for single family dwellings
	20 ft. for multifamily dwellings
Greater than 150 feet	20 feet clear width Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible.

6. Coastal Zone. The following requirements shall apply to residential development in the Coastal Zone.

a. Each dwelling unit located in the Coastal Zone shall have a minimum of two on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius.

b. The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the public for vehicular, bicycle and

pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g., gates, gate/guard houses, guards, signage, etc.) and restriction on use by the general public (e.g., preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces.

8. Privacy Gates. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:

- a. Fire Department approval for location and emergency entry.
- b. Public Works Department approval of stacking and location.
- c. Postmaster approval of location for mail boxes or entry for postal carrier.
- d. Shall provide a driveway with a minimum of 20 feet for vehicle stacking.
- e. No adverse impacts to public coastal access, including changes in the intensity of use of water, or access thereto, shall result from installation of the privacy gates.

9. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum four-foot projection may be permitted above a height of 14 feet.

10. Storage Space. One hundred cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage.

11. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four parking spaces on-site.

E. Nonresidential Parking and Loading.

1. Designated Parking. Parking spaces within an integrated, nonresidential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director.

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits.

- a. Fire Department approval for location and emergency entry.
- b. Public Works Department approval of stacking and location.
- c. Postmaster approval of location for mail boxes or entry for postal carrier.
- d. Shall provide a driveway with a minimum of 20 feet for vehicle stacking.
- e. No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

3. Minimum Driveway Width. Twenty-five feet when providing access to the rear of a structure.

4. Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties.
5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned for general planned residential.
6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities.
7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided.
8. Parking Spaces. Parking spaces shall not be utilized or occupied by any other use or for any other purpose than as parking for the associated on-site uses as required by this chapter, unless in compliance with Section 231.06, Joint Use Parking.

F. Seasonal and Temporary Parking Lots. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards:

1. Paving shall be two inches of asphalt over compacted native soil, or as approved by the department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator.
2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of three feet in height, solidly built. At a minimum, posts shall consist of four-inch by four-inch wood or equivalent metal posts a minimum of one and one-half inches in diameter securely set in the ground and placed eight feet on center. The posts shall be connected with at least one strand of half-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day.
3. Temporary parking lots shall have landscaped planters with an inside dimension of three feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection.
4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232.
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be six feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September.

6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director.
7. An attendant shall be on duty at all times during business hours of seasonal parking lots.
8. An approved fire extinguisher shall be provided on the premises during business hours.
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot.

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000.00 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services.

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a certificate to operate.

G. **Parking Structures. Above-grade parking structures where the finished elevations of the structure are facing a public right-of-way** ~~Parking structures above or below grade~~ shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a Coastal Development Permit in accordance with Chapter 245. All parking structures, subterranean parking, and semi-subterranean parking shall comply with the following requirements:

1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of five percent. The maximum slope for transition ramps with no adjacent parking spaces shall be ~~10%~~ 15% with minimum 12 foot long transitions at the top and bottom of the ramp. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of five percent.
2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer.
3. **Above-grade parking structures adjacent to any public right-of-way or any property zoned or used for residential purposes** shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. ~~Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan.~~
4. All above-grade parking structures shall screen parked cars on each level through a combination of landscaping or trellises and/or decorative screening wall or railings.

5.4. All parking structures elevations shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. ~~The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping.~~ The following design guidelines shall apply to parking structures:

- a. The exterior elevations of a parking structure should be designed to minimize the use of blank facades. This can be accomplished through the use of textured concrete, planters or trellises, or other architectural treatments.
- b. To soften the horizontal lines and greatly enhance the look of the structure, elevations should be articulated and elements added that give the structure proportions that reflect a regular building. To give the structure proportions reflective of a regular building, design openings to look more like window openings than long, horizontal parking garage openings.
- c. Framing that mimics windows should be added to openings. The framing should have vertical members to de-emphasize the horizontal lines of the structure.
- d. Substantial massing should occur at the corner of the structures to anchor the building and give the structure proportions more similar to a regular commercial building. These panels should incorporate relief to create shadow patterns and add visual interest.
- e. Height should be added to the parapet at key areas on the building structure to accent entries and reduce the long, horizontal facade that is typical of parking structures.
- f. Horizontal openings should be broken up with vertical columns to create a rhythm of openings, again reflecting proportions of a regular commercial building.
- g. Awnings or trellis structures should be added at vehicular and pedestrian entrances to create more pedestrian scale.
- h. Where appropriate and feasible, retail spaces should provide articulation at the ground floor.

5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a Coastal Development Permit. (3334-6/97, 3526-2/02, Res. 2004-80-9/04, 3677-12/04, 3758-1/07, 3763-3/07, Res. 2009-36-9/09, 4172-3/19)

ORDINANCE NO. 4194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE TITLED DEFINITIONS
(ZONING TEXT AMENDMENT NO. 19-002)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-002, which amends Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional definitions utilized within the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

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

SECTION 1. That Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 203 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at
a regular meeting thereof held on the ____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney 

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager



Director of Community Development

Exhibit A: Legislative Draft

203.02 Applicability

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction. (4037-12/14, 4176-3/19)

203.04 Rules for Construction of Language

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions apply singly.
 - 3. "Either... or" indicates that the connected words or provisions shall apply singly but not in combination.
 - 4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.
- G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. The words "activities" and "facilities" include any part thereof. (4037-12/14, 4176-3/19)

203.06 Definitions

Abutting. Having district boundaries or lot lines or combinations thereof in common.

Access, Lateral. Public access along the coast.

Access, Vertical. Public access from the nearest public roadway to the shoreline.

Alley. A public or private way having an ultimate width of not less than 20 feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter. To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Amendment. A change in the wording, context or substance of this ordinance, or a change in the district boundaries on the zoning map.

Animal, Exotic. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small. An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Antenna. Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purposes of receiving or transmitting communications to or from another antenna, device or orbiting satellite, as well as all supporting equipment necessary to install or mount the antenna.

Antenna, Amateur Radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur station licensed by the Federal Communications Commission.

Antenna, Communication. All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, wireless communication antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna.

Antenna Height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

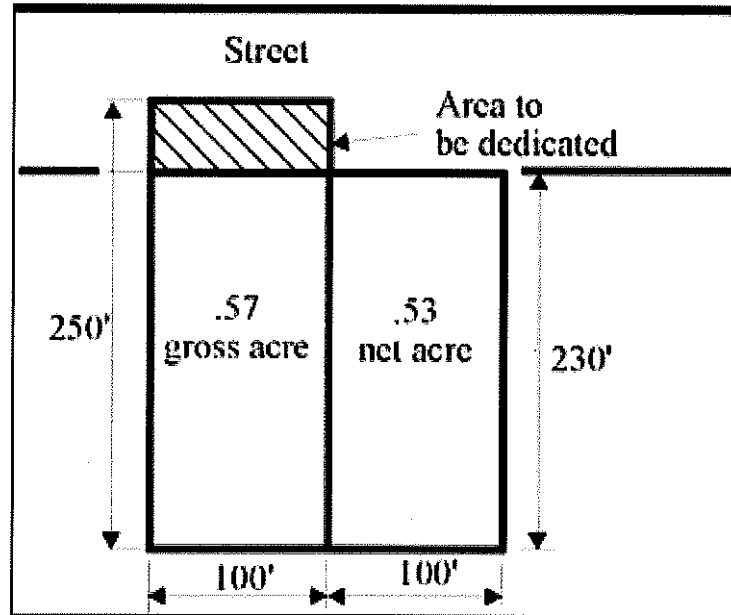
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

Antenna Whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Approach-Departure Path. The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

Architectural Projections or Appurtenances. Features on a building which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

Area, Net Lot. The total horizontal area within the property lines of a parcel of land exclusive of all rights-of-way or easements which physically prohibit the surface use of that portion of the property for other than vehicular ingress and egress.



Lot Area

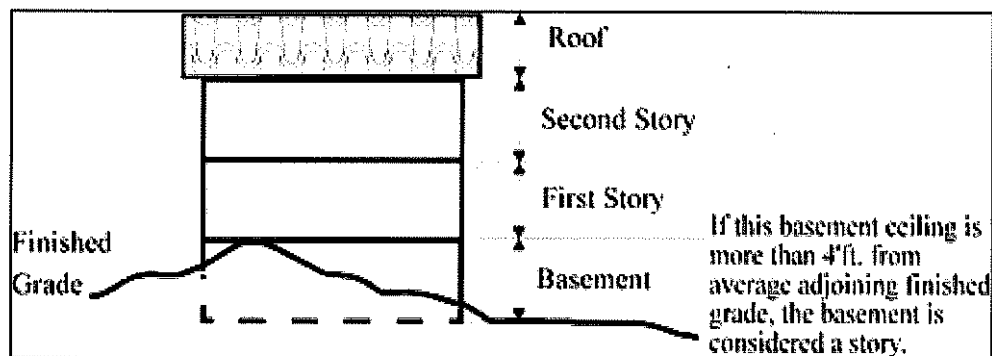
Arterial. Any street, highway or road designated as an arterial street in the General Plan.

Assisted Living Facility. Establishments licensed by the State of California providing care on a 24-hour basis for persons requiring personalized supportive services and health related care, but excluding facilities providing surgical or emergency medical services. This includes State licensed establishments that provide a continuum of care for residents ranging from assistance with daily activities to memory care.

Attached Structures. Two or more structures sharing a common wall or roof.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement. A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be considered as a story if the vertical distance from the average adjoining grade to the ceiling is over four feet.

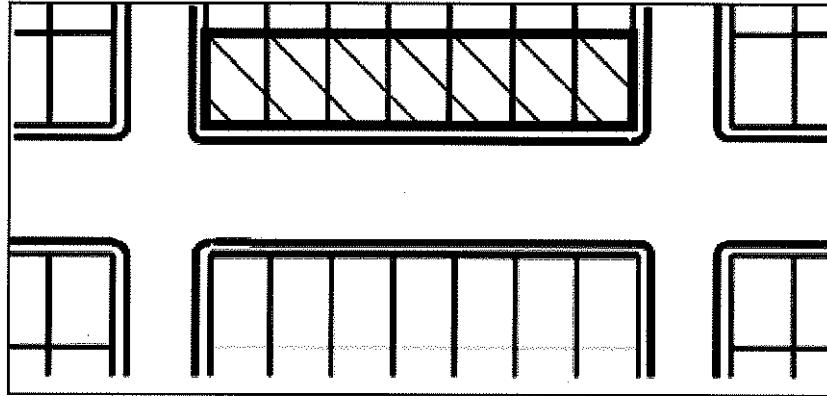


Basement

Bay Window. A window that projects out from an exterior wall.

Bedroom. The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, a den, a room having 100 square feet or more of floor area or less than 50% of one wall open to an adjacent room or hallway.

Blockface. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or City boundary.



Blockface

Boarding House. A building with not more than five guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Caretaker's Quarters. A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Carport. A permanent roofed accessory structure with not more than two enclosed sides intended for vehicle storage.

Cart/Kiosk. Any portable, non-motorized unit used by a vendor as described in Section 230.94.

City. The City of Huntington Beach.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, optometrists, psychologists, or social workers practicing together.

Coastal Zone. A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Containers. Containers or buildings with a gross floor area of 500 square feet or less used for the deposit and storage of household articles or recyclables.

Commission. The Huntington Beach Planning Commission.

Community Apartment Project. A project in which an individual interest in land is coupled with the right exclusively to occupy an individual unit, as provided in Section 11004 of the California Business and Professions Code.

Completely Rebuilt. Rebuilding the nonconforming structure or use as it had legally existed immediately prior to its destruction.

Conditional Use. A use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that fully meets the requirements of Title 17 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

Convenience Market. A retail use in conjunction with gasoline sales in which the sales room exceeds 200 square feet.

Court. An outdoor, unenclosed area intended to provide light, air, and privacy for individual dwelling units in multifamily projects.

Coverage, Lot or Site. The percentage of a lot or site covered by roofs, balconies, fireplaces, architectural projections, or overhangs extending more than 2.5 feet from a wall, decks more than 42 inches in height above grade, and stairs. This also includes the square footage of all building projections into yards or courts containing habitable floor area.

Deck. A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also Balcony).

Demolition. The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or otherwise.

Density Bonus. An increase in the proposed number of units of 25% or greater over the number permitted pursuant to the current zoning and General Plan designation on the property.

Director. The Director of Community Development or designee.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which modify base district provisions and standards.

Drilling. The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

Dwelling, Accessory Unit. A fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or "granny unit."

Dwelling, Multiple Unit. A building or buildings designed with two or more dwelling units.

Dwelling, Single Unit. A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single-family dwellings shall be considered as multifamily.

Dwelling, Studio Unit. A dwelling unit consisting of one kitchen, one bathroom, and one combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one-bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

Dwelling Unit. One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Environmentally Sensitive (Habitat) Area. A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

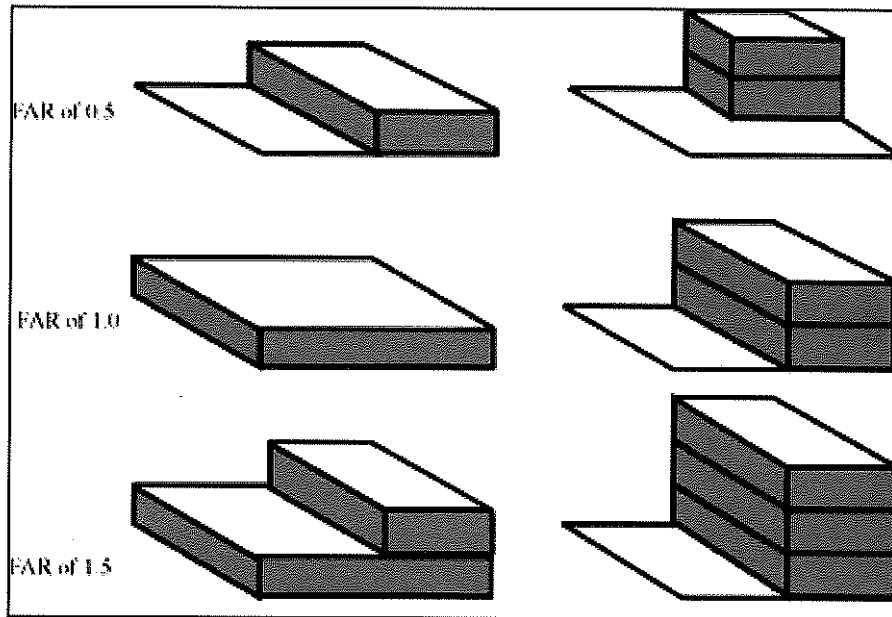
Exemption, Categorical. An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

Family. A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

Floor Area Ratio (FAR). Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.



Floor Area Ratio (FAR)

Frontage. The linear length of a building which contains a public entrance or a lot measured along the property line adjacent to a street or easement.

Functional Capacity. The ability of an environmentally sensitive area to be self-sustaining and to maintain natural species diversity.

General Plan. The City of Huntington Beach General Plan.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Height of Building. A vertical dimension measured from the top of the highest roof to the top of the subfloor/slab directly underneath. (See Section 230.72.)

Helipad or Helistop. A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

Heliport. An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.

Home Occupation. Business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site.

Hotel Owner/Operator. The entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

Illumination, Direct. Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect. Illumination by means only of light cast upon an opaque surface from a concealed source.

Incentives. Policies, programs or actions taken by the City designed to ensure that a development will be produced at a lower cost.

~~**Infill Lot Development.** A lot contiguous to one or more existing single family residential units excluding parcels separated by streets, a vacant parcel intended for single family development, or a parcel with an existing residential structure, which will have 50% or more square footage of habitable area removed in order to remodel or construct a detached single family unit.~~

Junk Yard. The use of a lot, or contiguous lots, or any portion thereof for the storage of junk, including scrap metal, or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

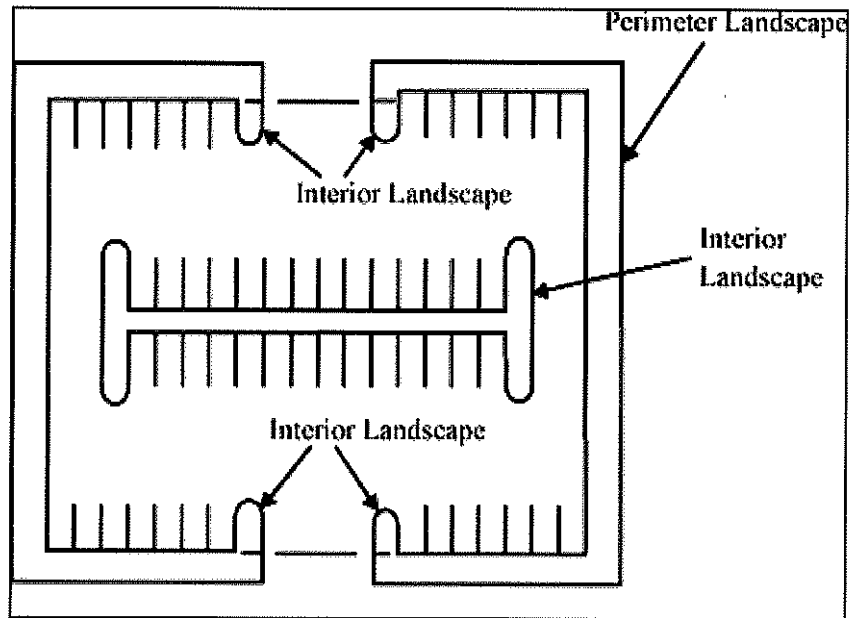
Kennel. Any premises where four or more dogs or cats at least four months of age are kept or maintained for any purpose except veterinary clinics and hospitals. For purposes of this section, a detached single-family residence with a maximum of four dogs shall not be considered a kennel when at least one of the dogs is a specially-trained guide dog, signal dog or service dog, as defined in Penal Code Section 365.5, and complies with Section 7.12.160 of the Huntington Beach Municipal Code.

Kitchenette or Kitchen. Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

Landscaping. An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter. A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.

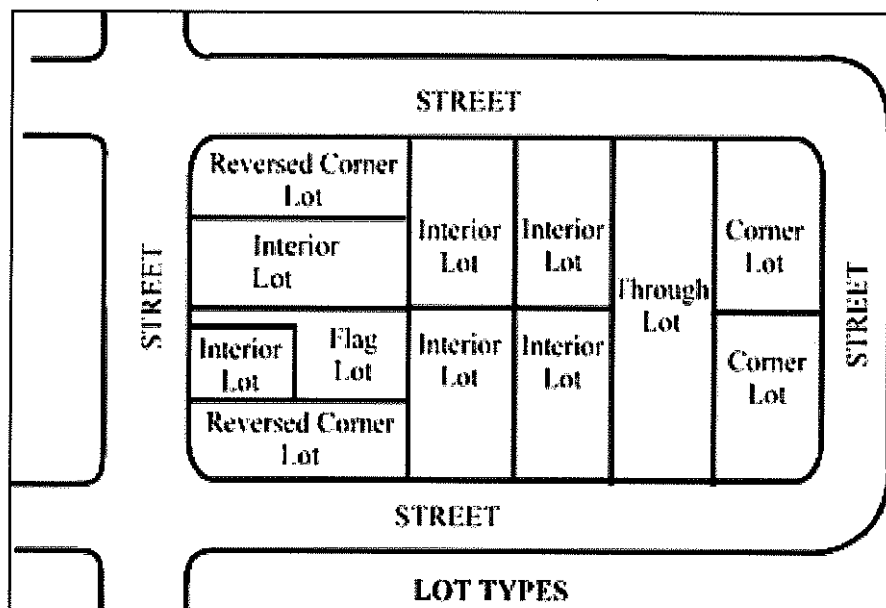


Landscaping: Perimeter Interior

Limited Use Overnight Visitor Accommodations. Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or uses of a similar nature.

Lodger. Any person other than a member of a family renting a room for living or sleeping purposes.

Lot. Any numbered or lettered parcel shown on a recorded final map, record of survey pursuant to an approved division of land, or a parcel map and abuts a street, alley or recorded access easement.



Lot, Corner. A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot, Flag. A lot with developable area connected to a street by a narrow strip of land that includes a driveway.

Lot or Property Line, Front. The street property line adjacent to the front yard.

Lot or Property Line, Interior. A lot line not abutting a street.

Lot or Property Line, Rear. A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

Lot or Property Line, Side. Any lot line that is not a front lot line or a rear lot line.

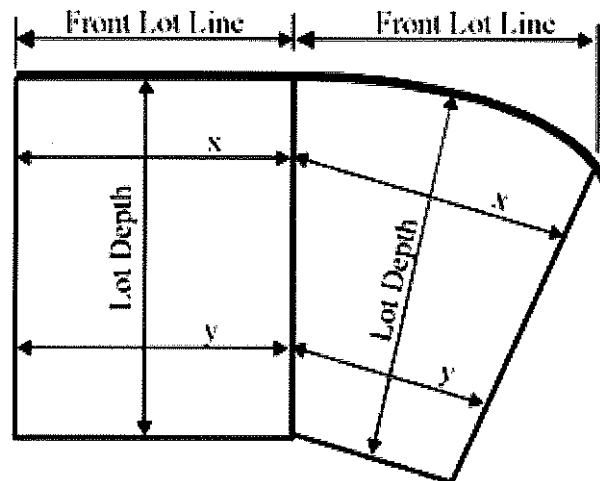
Lot or Property Line, Street. A lot line abutting a street.

Lot, Reverse Corner. A corner lot, the side line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Street-Alley. An interior lot having frontage on a street and an alley.

Lot, Through. A lot having frontage on two dedicated parallel or approximately parallel streets.

Lot Width. The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at midpoints 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



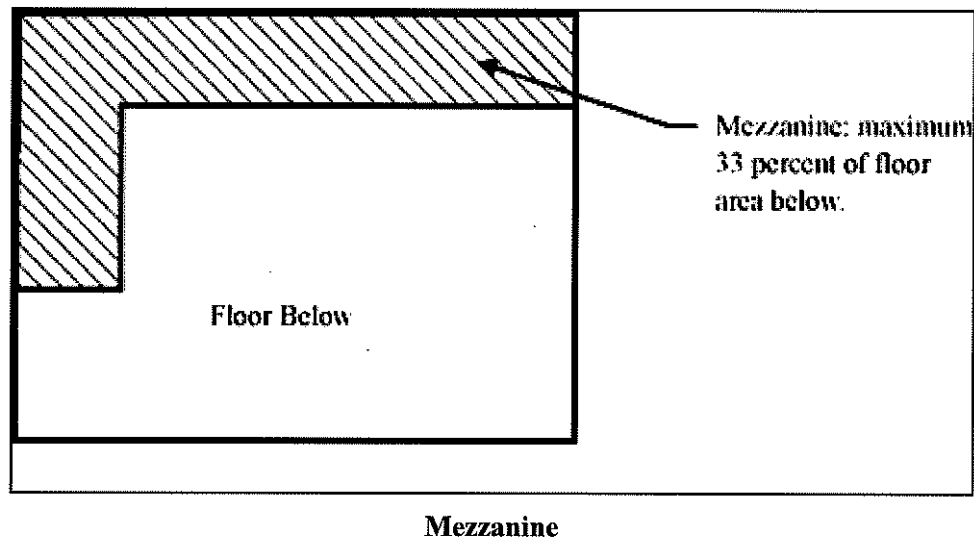
$$\text{Lot Width} = (x + y) / 2$$

Lot Width

Lower Income Household. A household whose annual income is at or below 80% of Orange County median income as defined by the State of California Department of Housing and Community Development.

Manufactured Home. A structure transportable in sections which is a minimum of eight feet in width and 40 feet in length, built on a permanent chassis, and designed to be a dwelling with or without a permanent foundation. Manufactured home includes mobile home.

Mezzanine. An intermediate floor within a room containing not more than 33% of the floor area of the room.



Moderate Income Household. A household whose annual income is at or below 120% of Orange County median income as defined by the State of California Department of Housing and Community Development.

Municipal Code. The Municipal Code of the City of Huntington Beach.

Negative Declaration. A written statement briefly describing the reasons that a proposed project will not have a significant impact on the environment which meets the requirements of the California Environmental Quality Act.

Neighborhood Notification. Notification process pursuant to Chapter 241 when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

Net Site Area. See Area, Net Lot.

New Well. A new well bore or well hole established at the ground surface. Redrilling from the well bore or well hole of an existing well greater than 150 feet from the existing well bore shall constitute a new well.

Nonconforming Structure. A structure that was lawfully erected but which does not conform with the current development standards.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but which does not conform with the current zoning ordinance.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities. A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Oil Operation. The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework, repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil, gas or hydrocarbons from the subsurface of the earth.

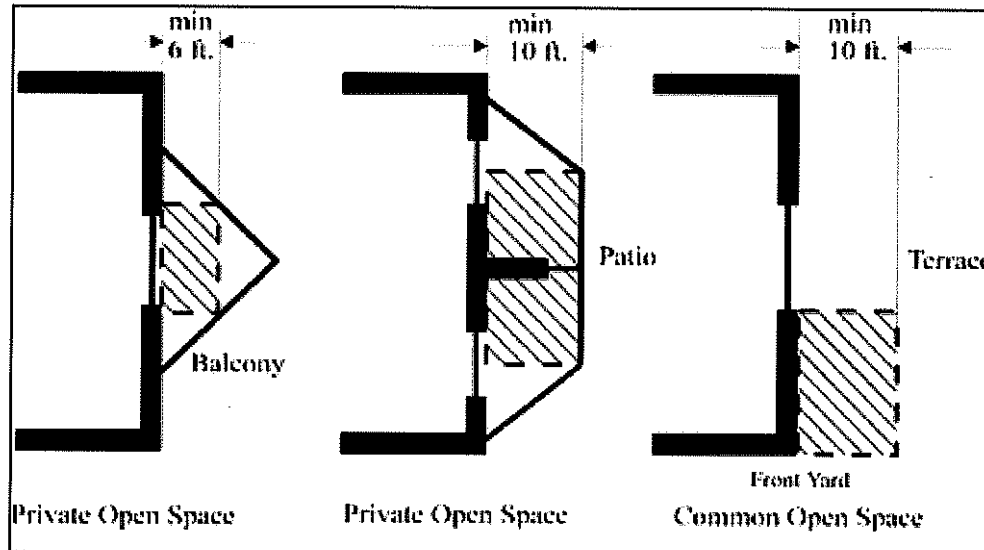
Oil Operation Site. The physical location where an oil operation is conducted.

Open Space, Common. A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Total. The sum of private and common open space.

Open Space, Usable. Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open space does not include parking facilities, driveways, utility or service areas, any required front or street side yard, any space with a dimension of less than six feet in any direction or an area of less than 60 square feet.



Usable Open Space

Oversize Vehicle. Any vehicle which exceeds 25 feet in length, seven in width, seven in height, or a weight of 10,000 pounds, motorized or non-motorized. Oversize vehicle also includes any equipment or machinery regardless of size.

Parking, Subterranean. A parking area that is wholly or partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units or parking structures).

Parking, Tandem. An off-street parking facility which includes parking stalls where one is arranged in front of the other or stacked utilizing mechanical lifts.

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.

Patio. A paved court open to the sky.

Permitted Use. A use of land that does not require approval of a conditional use permit or temporary use permit.

Planned Unit Development (PUD). A large scale development of a parcel or of a combination of related parcels to be developed by a single owner or group of owners acting jointly, involving a related group of uses, planned as an entity and having a predominant developmental feature which serves to unify or organize development.

Porch. An open or covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Private Property. Property owned in fee by an individual, corporation, partnership, or a group of individuals as opposed to public property.

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

Public Property. Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public rights-of-way, and sidewalks.

Qualifying Senior Resident. A person who is 62 years of age or older. (Section 51.2 of the California Civil Code.)

Remodel. The upgrade of the interior or exterior faces of a building or structure without altering to any degree the structural integrity.

~~**Residential Infill Lot.** A residential infill lot is a parcel of land which, at the time of application for a building permit, is contiguous to one or more existing developed single-family residential properties and is:~~

- ~~1. A vacant parcel intended for detached single-family development, or~~
- ~~2. A parcel with an existing residential structure which will have 50% or more square footage of the habitable area removed in order to construct a remodeled or new multistory detached single-family dwelling unit.~~

Residential Privacy Design Standards. Residential privacy design standards shall apply to:

1. A lot contiguous to one or more existing single-family residential units, excluding parcels separated by streets or alleys; or
2. A vacant parcel intended for new single-family development; or

3. The creation of new floor area above the first floor of an existing single story single-family residence; or
4. Increasing the number of windows above the first floor of an existing single-family residence; or
5. Moving the location of existing windows above the first floor of an existing single-family residence.

Resource Protection Area. Within the coastal zone, any area that consists of any of the following: wetlands, Environmentally Sensitive Habitat Areas, buffer areas (as these terms are defined in the Glossary of the City's certified Land Use Plan), and/or land that is zoned Coastal Conservation.

Room, Habitable. A room meeting the requirements of the Uniform Building Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, attics, foyers, storage spaces, utility rooms, garages, and similar spaces.

Senior Housing. Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

Setback Line. A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance. All setbacks along streets and alleys shall be measured from the ultimate right-of-way.

Significant Disruption. Having a substantial adverse effect upon the functional capacity.

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or City limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Specific Event. A short-term temporary use of public property as defined in Section 5.68.010.

Specific Plan. A plan for a defined geographic area that is consistent with the General Plan.

Stock Cooperative. A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

Street. A public or an approved private thoroughfare or road easement which affords the principle means of access to abutting property, not including an alley.

Structure. Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas.

Structure, Accessory. A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

Structure, Minor Accessory. An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents to retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

Takeoff and Landing Area. That area of the helicopter facility where the helicopter actually lands and takes off.

Target Population. Persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Ultimate Right-of-Way. The adopted maximum width for any street, alley, or thoroughfare, as established by the General Plan, by a precise plan of street, alley, or private street alignment; by a recorded map; or by a standard plan of the Department of Public Works. Such thoroughfare shall include any adjacent public easement used as a walkway and/or utility easement.

Usable Satellite Signals. Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

Use, Accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Value. The monetary worth of a structure determined by the valuation figures used by the director for the purpose of calculating building permit fees.

Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period.

Very Low Income Household. A household whose annual income is at or below 50% of Orange County median income as defined by the State of California Department of Housing and Community Development.

Wetbar. A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a

stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

Wetland. Lands within the coastal zone which may be covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

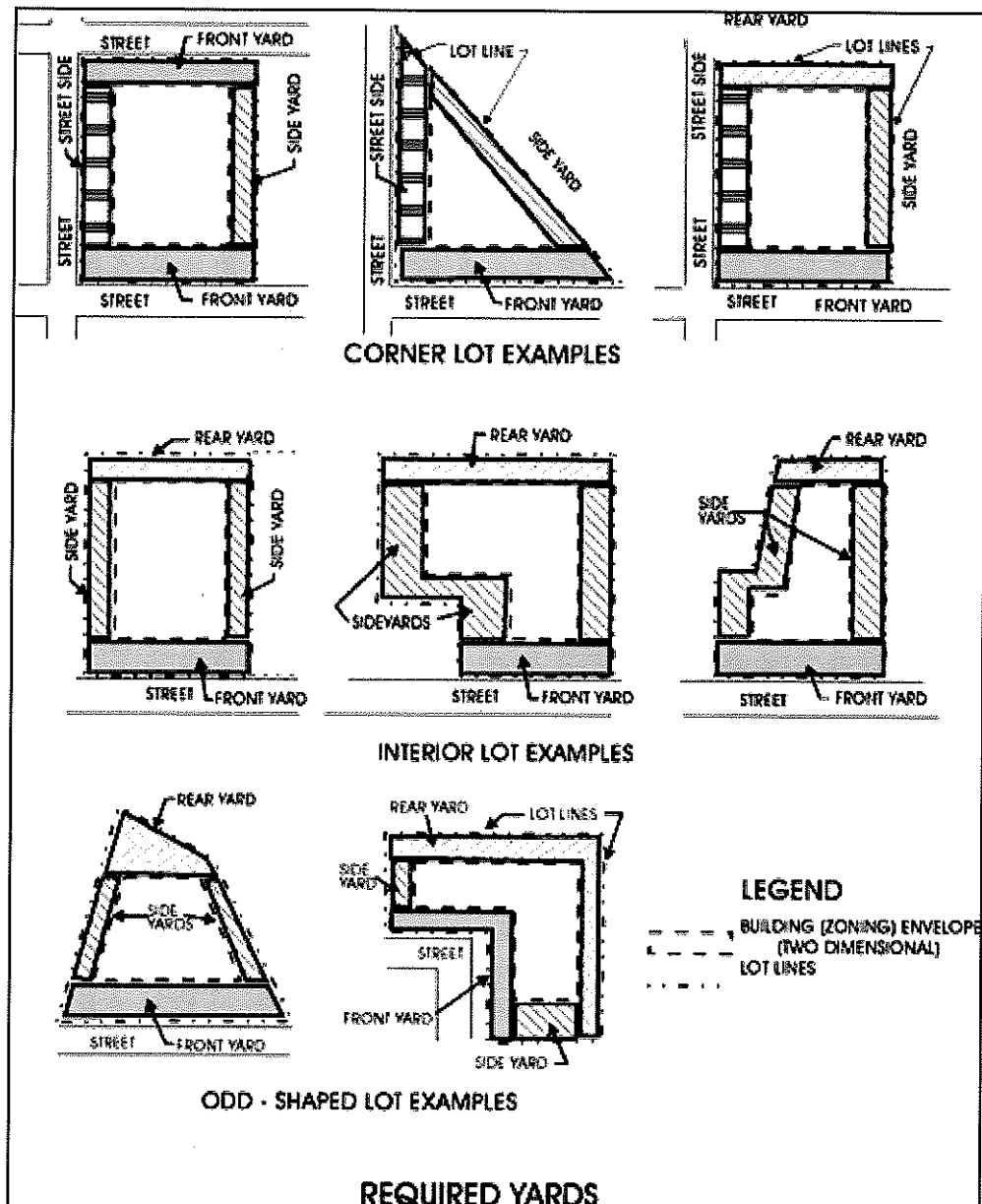
Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

Yard, Front. An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75% of the length of the other street property line, the director shall determine the location of the front yard.

Yard, Rear. An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side. An area between the rear setback line and the front setback line and between the side property line and side setback line. The side yard on the street side of a corner lot shall extend to the rear lot line.



Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach. (3248-6/95, 3301-11/95, 3334-6/97; 3482-12/00, 3520-2/02, 3568-9/02, 3705-6/05, 3756-1/07, 3774-10/07 (certified by the California Coastal Commission 10/07), 3856-2/10, 3903-11/10, 3909-4/11, 4037-12/14, 4089-10/16, 4132-5/18, 4176-3/19)

Sy, Fernie@Coastal

From: tony sellas <tony.sellas@gmail.com>
Sent: Thursday, July 7, 2022 7:52 PM
To: Sy, Fernie@Coastal
Subject: Re: 5-20-0630-A1-(Vision Development, LLC) Immaterial Amendment
Attachments: 16655 PCH Vision Coastal Commission amendment 07-07-2022.pptx; W19d-6-2021-report.pdf

Hi Mr. Sy,

Sorry for the multiple emails. I thought I was done, but I found the original CDP W19d, filed on 2/28/21. The Attached CDP W19d and my individual report, proves the following;

1. Per the CC's report, this project was not approved on a one story parking structure, but relabeled as a one store parking lot. If the Coastal Commission believes this, then how can the CC deny any project with a one store parking lot structure, in the future?
2. PEr the CC's report, the SBSP tourist district, 3.3.2(C)(4)(A) requires Residential Uses to be "Located above the first floor of a Principal Permitted Use". **A parking lot or a parking structure is not the Principal Permitted Use. The parking lot and parking structure is an Accessory Use Permitted per the SBSP 3.3.2(C)(4)(E)**
3. Per the CC's report, "the residential use does not exceed 50% of the **gross square footage** of the **entire structure**."

The last two words "entire structure" is false. The truth can be found in the HB's ordinance **17.73.010 Definitions**. The definition of gross square footage means, "***means the area of a nonresidential development...***".

Example: So, the MAX residential should be 50% of the gross square footage of the non-Residential development (the commercial restaurant). If the restaurant is 1000 sq ft, then the max sq. ft. of the residential above the Principle Permitted Use is 500 sq ft. (1000/.5 = 500).

I have been fighting for years for someone to follow the zoning law. Now you see it first hand. I ask you please to deny this project, because of personal safety, and it violates the SBSP, the HBZSO and the Coastal Act.

Thank you,
This will be the last email.

Tony Sellas

On Thu, Jul 7, 2022 at 6:03 PM tony sellas <tony.sellas@gmail.com> wrote:

Hi Mr. Sy,

I forgot to add the City's ordinance document that defines the parking structure changes. This should help you in reviewing my objection to this project.

Thank you,

Tony Sellas

Hi Mr. Sy,

I have several objections with this project. Attached is my appeal to the project and the Coastal Commission presentation.

The Coastal Commission never addressed any of my objections that this project violated Sunset Beach Specific plan and the 2010 Negative declaration. The negative declaration defined that annexation would not increase the intensity or density of the tourist and residential sections.

The Coastal Commission's amendment will have an adverse impact that can be a hazard to 1) public access, the safety of all bike riders and pedestrians on PCH and North and car traffic on PCH and North Pacific, 2) Increased the intensity and density of the Community. , 3) changes the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of Gross floor area.

Here are the details.

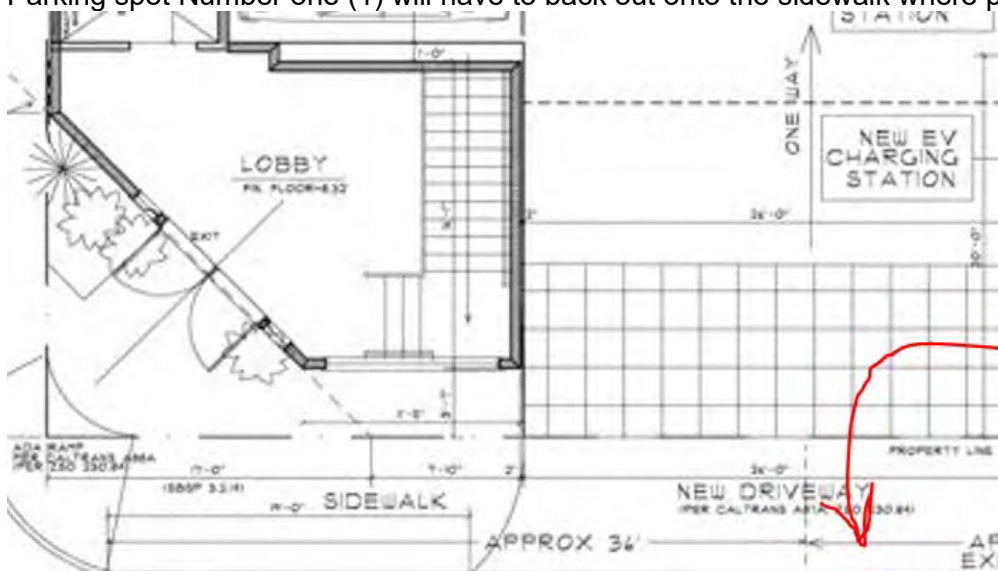
1) Did you know in 2020, the City changed the definition of a parking structure in the Coastal Zone. The change was never approved by the Coastal Commission. The City changed the definition, because I challenged this project in 2020. Before 2/03/2020 a parking structure was defined as a single story structure where cars parked, which required a 10 ft setback from the sidewalk and a 5 ft setback for car traffic ingress and egress. For example, check out the [Best Western](#) and the [Travelodge hotel](#), located in Sunset Beach. What the City changed is a parking structure must have two (2) stories to be considered a parking structure. This changes everything. The problem is the City never defined what a single parking structure is..

Here is the Hazard to the Public-

Important- Attached is my email conversation with the City planner and the link to the City Council meeting where a parking structure was redefined without the CC approval. **"16655 Pacific Coast Hwy - City Changed the Definition of a parking structure.pdf"**

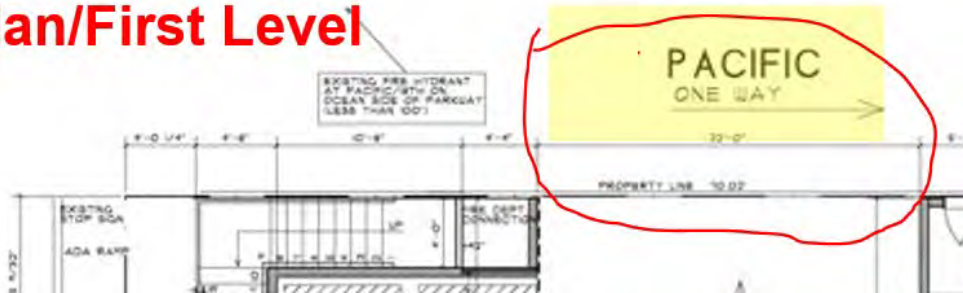
1) Hazard of the new Parking Structure definitions

- Because of the New Definition, the single story parking has NO car traffic ingress or egress setbacks on PCH or on North Pacific. For PCH, this means a car might have to wait on PCH if the parking structure is full or waiting for a parking spot.
- Parking spot Number one (1) will have to back out onto the sidewalk where people walk and ride bikes.



- On North Pacific, both the residential parking garage and the parking structure traffic will have to pull into North Pacific to see if any cars, bikes or people are coming. This is a hazard to all of the public.

Plan/First Level



- Future problems. How is the City and the Coastal Commission going to deny the next applicant in the Coastal zone that wants a single story parking structure. Demand the City defined a single story parking structure the ingress and egress setback, the setback and design from the sidewalks and the setback for any residential parking garage. Better yet, have the CC deny the City's new definition. For public safety, there needs to be a 5 ft. setback for all garages in the residential district. Why doesn't this residential garage require a setback?
- Solutions-
 - Deny this project based on the lot line adjustment.
 - Demand this project be reviewed by Caltans.
 - Deny the City's redefinition of a parking structure.
 - CC deny the City definition of a parking structure.

2) Increased the intensity and density of the Community

- The City and the CC approved a negative declaration when HB annexed Sunset Beach. The main concern with the negative declaration is the City will not increase the intensity or density of the existing area. The City and the Coastal Commission have violated this, because the City redefined the definition of a parking structure. Now, the 2nd and 3rd floors are now built on an Accessory Use structure. In other words, it is a parking structure.
- .

3) Changed the definition of Mix Use defined in the Sunset Beach Specific Plan and the HBZSO codes, and violates the Sunset Beach Specific Plan by changing the allow residential from Gross Sq. Ft of Gross floor area-

- a parking structure is not the primary principle Use. It is an Accessory Use structure and is subordinate to the Primary principle Use. For Mix Use construction,, both the Sunset Beach Specific Plan and the HBZO, requires the residential to be built above the first floor of the primary principle Use, which is the Commercial business. This project now shatters this concept in the Coastal zone. Now in Sunset Beach and anywhere in the Coastal Commission's jurisdiction, all residential and Commercial can be built above a parking structure or a parking garage with no setback . I

SBSP 3.3.2 (C)(4)(A)

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and the Zoning Administrator.

1. Civic and government uses.
2. Community facility.

- Since the parking structure is not considered in the Gross sq ft area of the Primary Principle Use, The intensity of the construction is increased by 1/3. 1/3 for the parking structure, 1/3 for the commercial and 1/3 for the residential.

Please deny this project for public safety, for not violating the Sunset Beach Specific plan and the negative declaration.

Regards,

Tony Sellas

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is **IMMATERIAL** and the permit will be amended accordingly if received within ten working days of the date of this notice. If the amendment must be reported to the Commission at the next Commission hearing. The Executive Director has determined the amendment to be "immaterial" for the following reason(s):

On Tue, Jul 5, 2022 at 9:33 AM Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov> wrote:

Hello,

You are being notified since you are identified as a known interested party for the 5-20-0630-A1-(Vision Development, LLC) project. An Immaterial Amendment to the project will be heard before the California Coastal Commission at its July 2022 hearing on Wednesday, July 13, 2022 as Item No. W13. I have attached a copy of the notice.

Please follow the link below to the agenda for additional information.

[California Coastal Commission](#)

Fernie Sy

Coastal Program Analyst II

California Coastal Commission

South Coast Area Office

301 E. Ocean Blvd, Suite 300

Long Beach, CA 90802

(562) 590-5071

Please note that public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov.

Question- Both the City and the Coastal Commission both defined the parking structure as a parking lot. The CC's report states the "(mixed use building with a **parking lot on the ground floor with a restaurant and townhome on the second and third floors**)".

This means the CC has recognized a parking lot is a single story structure, where additional building can be built on the 2nd and 3rd floor.



The City has adopted essentially equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City. Nevertheless, it is worth noting that the proposed project (mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP, and under the City's current zoning. The old LCP and current City zoning designate the site Sunset Beach Tourist, which requires uses that cater to the needs of tourists, visitors, and the local community. The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level, the required parking is provided, and the residential use does not exceed 50% of the gross square footage of the entire structure. The proposed

In the yellow highlight below, the CC's report is false and misleading. The CC's report states, *"The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level"*.

This is the Truth. The SBSP tourist district, 3.3.2(C)(4)(A) requires Residential Uses to be "Located above the first floor of a Principal Permitted Use". ***A parking lot or a parking structure is not the Principal Permitted Use. It is an Accessory Use Permitted .3.3.2(C)(4)(E)***

SBSP 3.3.2 (C)(4)(A)

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. Residential Uses:
 - a. Located above the first floor of a Principal Permitted Use.
 - b. Parking for both the primary commercial uses and the residential use conforms to Section 3.3.4 of these regulations.

E. Accessory Uses Permitted

Accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Garages and carports per Sections 3.3.4 and 3.3.7.
2. Fences and walls per Section 3.3.5.
3. Parking structures.



The City has adopted essentially equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City. Nevertheless, it is worth noting that the proposed project (mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP, and under the City's current zoning. The old LCP and current City zoning designate the site Sunset Beach Tourist, which requires uses that cater to the needs of tourists, visitors, and the local community. The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level, the required parking is provided, and the residential use does not exceed 50% of the gross square footage of the entire structure. The proposed

In the Blue highlight below, the CC's report is false and misleading. The CC's report states, "and the residential use does not exceed 50% of the gross square footage of the entire structure."

The truth can be found in the HB's ordinance [17.73.010 Definitions](#). The definition of gross square footage means, "means the area of a nonresidential development..."

Example: So, the MAX residential should be 50% of the gross square footage of the non-Residential development (the commercial restaurant). If the restaurant is 1000 sq ft, then the max sq. ft. of the residential above the Principle Permitted Use is 500 sq ft. ($1000/.5 = 500$).

Below is the City's definition of gross square footage.

"**Gross square feet**" or "**gsf**" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced, or partially fenced in areas of garden centers attached to and serving the primary structure.



The City has adopted essentially equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City. Nevertheless, it is worth noting that the proposed project (mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP, and under the City's current zoning. The old LCP and current City zoning designate the site Sunset Beach Tourist, which requires uses that cater to the needs of tourists, visitors, and the local community. The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level, the required parking is provided, and the residential use does not exceed 50% of the gross square footage of the entire structure. The proposed

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W19d

Filed: 2/28/21
180th Day: 8/27/21
Staff: FSY-LB
Staff Report: 5/20/21
Hearing Date: 6/9/21

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-20-0630

Applicant: Vision Development, LLC

Agent: Cheryl DeMarco, AIA

Location: 16655 Pacific Coast Highway, Sunset Beach,
Huntington Beach, Orange County (APN: 178-523-09)

Project Description: Construction of a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with twelve parking spaces for the restaurant and two parking spaces for the townhome on a vacant lot. The project also includes an after-the-fact permit request for demolition of the pre-existing commercial building on the site and grading of the lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the construction of a mixed-use building consisting of a ground level parking area and a restaurant and residential town home on the second and third floors in the Sunset Beach community of the City of Huntington Beach, Orange County.

Commission staff is recommending **approval** with **eight special conditions** to ensure consistency with the public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act.

A one-story commercial building previously occupied the project site but was demolished and the site cleared without benefit of a necessary coastal development permit. The property was then sold to the current owner whose application is the subject of this staff report. The applicant has since submitted a fee five times the amount required for a coastal development permit waiver to demolish the pre-existing structure, in addition to the fee for the proposed development which is scheduled on the Commission's Regular Calendar.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will resolve the violations described above.

The project site is located in an area where on-street parking is available to the general public along Pacific Coast Highway and 18th Street. The proposed project will not adversely impact on-street parking. However, to ensure that the applicant is aware of the importance of retaining on-street public parking now and in the future, staff recommends the Commission impose **Special Condition No. 1**, which requires that the proposed project shall not interfere with on-street public parking.

The proposed project is located on an inland parcel approximately 200 ft. inland of the beach and the Pacific Ocean, within an area where coastal hazards exist and could adversely impact the development. According to the CoSMoS sea level rise model, the project site is susceptible to flooding if 1.6 ft. of sea level rise occurs in combination with an astronomical tide, even without a storm scenario. Based on the best available science, 1.6 ft. of sea level rise or more is likely during the project's expected 75-year life. Additionally, under a severe storm, the site will be subject to flooding, even without any increase in sea level. In order to mitigate future potential sea level rise impacts, the applicant is proposing non-habitable development on the first floor, which will be constructed of block and concrete walls that include waterproofing. No shoreline protective device is proposed to protect the development pursuant to this permit. However, given that the applicant is proposing to construct a new restaurant and a residence in a hazardous location, staff recommends the Commission impose **Special Condition No. 2**, requiring the applicant to agree that no future shoreline protective device may be relied on to protect the development authorized by this permit. In addition, this condition requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. Staff also recommends the Commission impose **Special Condition No. 3**, requiring the applicant to assume the potential risk of injury and damage arising from coastal hazards that may threaten the development. Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. Thus, staff also recommends that the Commission impose **Special Condition No. 4**, which requires the applicant obtain a permit amendment or new permit for any future improvements to the parking area, garage, restaurant, residence, roof deck, or foundation.

During and post-construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, staff recommends the Commission impose **Special Condition No. 5** which provides standards for the safe storage of construction materials and the safe disposal of construction debris.

Because the development includes space for a large commercial restaurant, **Special Condition No. 6** requires the applicant to submit and implement a comprehensive plan to reduce waste and single-use plastic foodware and packaging.

Staff also recommends the Commission impose **Special Condition No. 7**, which requires that all vegetated landscaped areas only consist of native plants or non-native drought tolerant plants that are non-invasive.

To ensure that any prospective future owner(s) of the properties are made aware of the applicability of the conditions of this permit, staff recommends the Commission impose **Special Condition No. 8** which requires the property owner to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property.

Orange County's Local Coastal Program (LCP) for Sunset Beach was effectively certified in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. This annexation terminated the County's LCP permitting jurisdiction for the area. The Sunset Beach annexation area has not yet been incorporated into the City of Huntington Beach certified LCP. Thus, there is not currently an effective certified LCP for Sunset Beach and, therefore, the Chapter 3 policies of the Coastal Act provide the standard of review for coastal development permits in the area.

The motion to approve the CDP application is on **Page 5**. The special conditions begin on **Page 6**.

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

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EXHIBITS

[Exhibit 1 – Location Map](#)

[Exhibit 2 – Site Plan/First Floor Plan](#)

[Exhibit 3 – Floor and Roof Plans](#)

[Exhibit 4 – Elevation Plans](#)

[Exhibit 5 – Grading Plan](#)

[Exhibit 6 – CoSMos Sea Level Rise Model Maps](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-20-0630 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided that the assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owner and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **On-Street Public Parking.** By acceptance of this permit the permittee agrees, on behalf of itself and all successors and assigns, that, with the exception of the decrease and re-location of the driveway along Pacific Coast Highway from thirty ft. (30) wide to twenty-six (26) ft wide, the subject development shall not interfere with existing on-street public parking spaces along Pacific Coast Highway and along 18th Street, which shall remain unobstructed by the subject development and available to the general public for public parking.
2. **No Future Shoreline Protective Device.**
 - A. By acceptance of this permit, the permittee agrees, on behalf of itself and any successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-20-0630 including, but not limited to, the restaurant, garage, residences, and foundation, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, any similar provision of a certified LCP, or any applicable law.
 - B. By acceptance of this Permit, the permittee further agrees, on behalf of itself and all successors and assigns, that it is required to remove all or a portion of the development authorized by this permit and restore the site, if:
 - i. The City of Huntington Beach or any government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards related to coastal processes, and that there are no feasible measures that could make the structure suitable for habitation or use without the use of bluff or shoreline protective devices;
 - ii. Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;

- iii. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or
- iv. The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No. 5-20-0630 does not allow encroachment onto public trust lands. Any future encroachment onto public trust lands shall be removed unless authorized by the Coastal Commission. Additionally, encroachment onto public trust lands is subject to approval by the State Lands Commission or other designated trustee agency.

- 3. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 4. **Future Development.** This permit is only for the development described in CDP No. 5-20-0630. Pursuant to Title 14 of the California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a)-(b) shall not apply to the development governed by CDP No. 5-20-0630. Accordingly, any future improvements to the parking area, garage, restaurant, residence, roof deck, foundation and any future improvements including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations Sections 13253(a)-(b), shall require an amendment to CDP No. 5-20-0630 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
- 5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

- B.** No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C.** Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- D.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F.** The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H.** All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I.** Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J.** The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K.** Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with

demolition or construction activity, shall be implemented prior to the on-set of such activity; and

- M.** All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- N.** During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.

6. Marine Debris Reduction Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a comprehensive plan to reduce waste and single-use plastic foodware and packaging. The plan shall include at a minimum, all of the following, and the applicant shall implement the approved version of the plan:

- A.** The applicant shall install and maintain educational signage that promotes and encourages the use of reusable items (instead of single-use items)
- B.** Adhere to the following criteria:
 - i. Only use reusable foodware (including dinnerware, drinkware, silverware, and ramekins/containers) for onsite dining.
 - ii. Only provide paper straws, or straws made from naturally occurring materials or reusables, upon request.
 - iii. Prohibit the use of expanded polystyrene (aka Styrofoam).
 - iv. Prohibit the use of plastic bags on-site or for takeout/to-go orders.
 - v. Only provide single-use utensils, straws, condiments, and other accessory items upon request for takeout/to-go orders.
 - vi. Prohibit the sale of beverages in plastic bottles.
 - vii. Follow proper recycling practices.
- C.** Participate in a Marine Debris Reduction Program such as the ReThink Disposable Program (RTDP), Surfrider's Ocean Friendly Restaurants (OFR), or a substantially similar program, meet all mandatory criteria of the selected program and become a fully certified member of the selected program. Within 6 months of the completion of the proposed development, the applicant shall participate in an established program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders. The applicant shall be responsible for the fees needed to participate in the program.
- D.** No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

7. **Landscaping-Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
8. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) has/have executed and recorded against the parcels governed by this permit deed restrictions, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject properties, subject to terms and conditions that restrict the use and enjoyment of those properties; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Properties. The deed restrictions recorded against title to each property shall include a legal description of that entire parcel. The deed restrictions shall also indicate that, in the event of an extinguishment or termination of either or both of the deed restrictions for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject properties so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Description, Standard of Review and Prior Permit

On a currently vacant lot, the applicant proposes to construct a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with a rooftop deck, including twelve parking spaces for the restaurant and two dedicated parking spaces in a 364 sq. ft. garage for the townhome ([Exhibits 2-5](#)). The lowest level (ground floor) will consist of the parking area for the restaurant and townhome and the second and third floors will consist of the restaurant and townhome. No grading is proposed, except for the grading to clear the lot of pre-existing development which has already taken place (see Prior Permit and Violations sections of this report). The foundation system will consist of footings and a concrete mat slab. On-site drainage will be directed to a rain storage chamber connected to a bio clean

water polisher system and then pumped out to the street through a curb drain at 18th Street. Landscaping is proposed.

The project site is a 5,600 sq. ft. parcel located at 16655 Pacific Coast Highway, in the Sunset Beach community of the City of Huntington Beach, Orange County ([Exhibits 1](#)). Sunset Beach is a low-lying, relatively narrow strip of land between two water bodies – the Pacific Ocean (approximately 200 ft. to the west) and Huntington Harbour (approximately 250 ft. to the east). The project is located on the seaward side of Pacific Coast Highway within an existing urban area, on an interior lot (not located between the first public road and the sea). In order to mitigate future potential sea level rise impacts, the applicant is proposing non-habitable development on the first floor, which will be constructed of block and concrete walls that include waterproofing. The applicant is also proposing that the access ways to the parking area and lobby be protected with temporary flooding shields when necessary, as a future adaptation measure.

Furthermore, the applicant states that the proposed project is consistent with the National Flood Insurance Program (NFIP) as determined by the City of Huntington Beach as a Federal Emergency Management Agency (FEMA) community member.

Sunset Beach is an area that was formerly unincorporated Orange County area. Under the County's jurisdiction, Sunset Beach was subject to a certified Local Coastal Program (LCP). The former County LCP for the area was effectively certified in 1982 and last updated in 1992. However, in August 2011, Sunset Beach was annexed by the City of Huntington Beach, resulting in the lapse of a certified LCP for Sunset Beach. 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 County's previously certified Sunset Beach LCP may be used as guidance; however, it should be noted that the previously certified LCP was last reviewed by the Coastal Commission almost thirty years ago and did not adequately address a number of issues of current concern including appropriate development setbacks from the seaward property line of beachfronting lots and sea level rise concerns, which are likely to be a significant issue in the new LCP, given the high degree of sea level rise vulnerability in the area.

The City has adopted essentially equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City. Nevertheless, it is worth noting that the proposed project (mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP, and under the City's current zoning. The old LCP and current City zoning designate the site Sunset Beach Tourist, which requires uses that cater to the needs of tourists, visitors, and the local community. The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level, the required parking is provided, and the residential use does not exceed 50% of the gross square footage of the entire structure. The proposed

development is consistent with this designation. The height of the proposed structure will be 35 ft. above the finished grade, consistent with the City's current height limit for the site and the former County LCP height limit. In addition, the design of the proposed mixed used commercial/residential structure is consistent with existing surrounding development along Pacific Coast Highway in Sunset Beach.

There are no public coastal views from the project site or the adjacent segment of Pacific Coast Highway, so the project will not adversely impact public coastal views from the site.

Prior Permit

On March 6, 2019, the Commission approved CDP No. 5-18-0682 (Seidner) for the demolition of a vacant, commercial one-story structure and construction of a two-story, 30 ft. high, 4,330 sq. ft. mixed use structure including 2,015 sq. ft. of classic car sales on the first floor, and two 895 sq. ft. residential units on the second floor, with 300 sq. ft. of exterior deck area, an attached 600 sq. ft., three car garage, and a five vehicle space parking lot. The CDP was never issued and it expired on April 9, 2021. Prior to the site being sold to the current owner, the pre-existing structure on the site was demolished and the site cleared, and thus development without a coastal development permit took place. This will be described in greater detail and addressed in the Coastal Act Violations section of the Staff Report.

B. Public Access and Recreation

Section 30210 of the Coastal Act, Access; recreational opportunities; posting, states:

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

Section 30214 of the Coastal Act, Implementation of public access policies; legislative intent, states, in relevant part (emphasis added):

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

Section 30221 of the Coastal Act, Oceanfront land; protection for recreational use and development; states:

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

Coastal Act Section 30252, Maintenance and enhancement of public access, states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

The project site is located approximately 200 ft. from the public, sandy beach which supports recreational uses and serves coastal visitors. Further east of the project site, approximately 300 ft. inland, there is a small harborfront beach suitable for launching small craft such as kayaks and paddleboards. In addition, there is a public boardwalk along the harborfront located approximately 1,200 ft from the project site. In order for the proposed development to be found consistent with the Coastal Act's requirement that public access be maximized, new development must not interfere with continued public access opportunities to both the sandy beach and the public amenities at the harbor.

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 parking to serve the proposed uses.

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.

In the past, the Commission has used the 2019 California Green Building Code (CALGreen) as guidance for electric vehicle requirements in commercial, retail and other nonresidential locations.¹ However, in recent actions,² the Commission has required commercial development projects to provide actual Electric Vehicle Charging Stations (EVCS) concurrent with the development. Based on CALGreen, the proposed project requires one “EV Capable” space, which is defined as: “Installation of “raceway” (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).” However, the applicant has gone above what is required pursuant to CALGreen by proposing one EVCS and proposing to have another space EV Capable so in the future an EVCS can be installed. Thus, the project is consistent with the requirements pursuant to CALGreen and would be

¹ The 2019 California Green Building Code does not require all EVCS to be constructed; it suggests that installation of electrical infrastructure and conduit to provide capacity for future EV Charging Stations may satisfy requirements.

² A-5-DPT-18-0046-(Cannons) approved by the Commission at the February 2021 Commission hearing.

consistent with recent Commission actions to provide public access to people with electric vehicles.

Sea Level Rise

As reflected in the Coastal Act Sections cited above, the Coastal Act requires that public access to the shoreline be maximized. Coastal Act Section 30221 requires that oceanfront land suitable for recreational use be protected for recreational use, unless demand for such a use is or likely will be provided elsewhere in the area. With expected future sea level rise and resulting coastal erosion, it is likely that future demand for public recreational activities, such as use of the sandy beach, will need to be accommodated on smaller, narrower beaches. In addition, the general population is expected to continue to increase. Section 30214 of the Coastal Act recognizes the inherent conflicts likely to arise when private property abuts public use areas, but the Coastal Act prioritizes public access needs. Although the sandy beach in this area is currently wide, the width is expected to narrow as the sea rises.

As described below, and as indicated by the best available science for this area, the project site and surrounding area are vulnerable to impacts of sea level rise. Review of CoSMoS modeling in the immediate project vicinity indicates the currently wide sandy beach will likely narrow significantly over the 75-year life of the proposed mixed-use development. The loss of sandy public beach area due to sea level rise will increasingly limit the sandy beach areas available for public use. **Special Condition No. 2** requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be safe for the life of the development, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

Therefore, as conditioned, the project will not impact public access to the coast, consistent with Sections 30210, 30214, 30221 and 30252 of the Coastal Act.

C. Hazards

Section 30253 of the Coastal Act, Minimization of adverse impacts, states, in pertinent part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is sited in a low-lying area that is inherently vulnerable to flooding. Thus, potential hazards issues that must be addressed include the potential for flooding and storm hazards. These hazards may be exacerbated by the sea level rise that is expected to occur over the coming decades.

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years. Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, there is unequivocal evidence that the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. On November 7, 2018, the Commission adopted a science update to its Sea level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.” The most recent projections in the statewide sea level rise guidance indicate that sea levels in this area may rise between 3.2 ft. and 6.7 ft. by the year 2100, though there is a risk of more significant sea level rise depending on various uncertainties, including the dynamics of ice sheet loss. The projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea level rise are tracking along the higher projections) as well as the inherent uncertainty regarding the exact rate of future sea level rise, the Ocean Protection Council and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore in many locations, which will result in increased flooding, erosion, and storm impacts to coastal areas. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

Although the project site is not located within the first line of development adjacent to the ocean, the site is located in the Sunset Beach community that is within a large, low-lying coastal area that is particularly vulnerable to flooding from both the ocean and the harbor. This vulnerability is further exacerbated with sea level rise and increased storm surge activity.

The Sunset Beach community has historically experienced flooding and damage from storm waves, and areas adjacent to the harbor can flood now during high tides, or high tides combined with storms. In response to these recurring flood problems, the community has developed several programs to minimize beach loss and flood risk. The US Army Corps of Engineers (USACE), in conjunction with the city and county, undertakes a periodic beach replenishment program that is on-going for more than 50 years. The County, and now the City of Huntington Beach, also constructs a seasonal berm across the beach each winter for protection from storm waves. Both of these programs enhance the beach areas and reduce flooding, but such efforts happen only with a sustained financial commitment from the different funding agencies. Without ongoing interventions, much of the lower lying areas of Huntington Beach, including Sunset Beach, would likely be at increased risk from flooding, and shoreline areas would be at risk from erosion. With rising sea level, these risks are likely to increase unless the interventions become larger or more frequent to keep up with the future hazards.

The Coastal Commission, in line with statewide guidance, generally advocates for a precautionary approach to sea level rise adaptation planning, which stems from the overall importance of keeping development safe from coastal hazards and protecting

coastal resources, consistent with the Coastal Act. It also derives from the fact that the costs and consequences associated with inadvertently underestimating SLR hazards could be quite high. As explained in the State of California Sea Level Rise Guidance written by the Ocean Protection Council (OPC), the “risk aversion scenario” is a principle of SLR risk analysis that is used to account for variable risk tolerance for different types of development by establishing SLR probability thresholds for varying degrees of risk aversion. For example, a critical infrastructure asset, such as a hospital, should be analyzed with high risk aversion, and would use a more precautionary range of probabilities of amounts of SLR, while a parking lot or a bike path could be analyzed with lower risk aversion. In this case, the risk aversion scenario recommended by both the Commission and OPC Guidance for residential and commercial projects is “medium-high,” as it represents a scenario that is relatively high within the range of possible future SLR scenarios and is therefore appropriately precautionary. In other words, the statewide SLR guidance recommends use of the relatively high projection of SLR associated with the medium-high risk aversion scenario, even though it has a lower probability (1-in-200 chance), because of the high consequences to precious coastal resources, valuable development, and life and safety that would occur if SLR were underestimated, and the recognition that many of these impacts cannot be undone once they have occurred.

According to the CoSMoS sea level rise model, the project site and area is susceptible to flooding if 1.6 ft. of sea level rise occurs in combination with an astronomical tide, even without a storm scenario, which may occur before the end of the structure’s 75-year expected life ([Exhibit 6](#)). Using the CoSMoS sea level rise model and applying a 100-year storm scenario, the project site and area is even more vulnerable to flooding under current conditions, with no sea level rise ([Exhibit 6](#)). Given the project site’s potentially hazardous location, the applicant prepared a coastal hazards study (Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated February 11, 2021). The applicant’s study analyzes potential risks to the project site resulting from coastal flooding and other hazards (including wave uprush and coastal erosion) and it states that the proposed restaurant and residence would be “relatively safe from hazards” for the expected 75-year lifespan of the development despite the flood risk present at the project site. It also states that the lowest floor (ground floor/first floor) will be the parking garage at about elevation 8.0 ft. NAVD88 and lobby access for the restaurant above with a finished floor at about +8.3 ft. NAVD88. The second and third floors contain the restaurant and the residential townhome. The lowest restaurant and residential townhome finished floor elevation is at +17.9 ft. NAVD88. In order to mitigate future potential sea level rise impacts, the hazards analysis states that adaptation measures have been incorporated into the project, such as having the lowest floor consist of non-habitable development and being constructed of block and concrete walls that include waterproofing. In addition, the access ways to the parking area and lobby can be protected with temporary flooding shields. The analysis also indicates that the proposed project is consistent with the National Flood Insurance Program (NFIP) as determined by the City of Huntington Beach as a Federal Emergency Management Agency (FEMA) community member. Such requirements of the NIFP, consist of

requiring the building to be constructed of materials resistant to damage from immersion in flood waters, construction with methods and practices that minimize flood damage, provision of adequate drainage to reduce exposure to flood hazards, etc.

In this case, because with future sea level rise, the project site may be threatened from both the harbor side as well as the ocean side, consideration of impacts to the development – and impacts the development may have on an eroding shoreline – must be considered not just from the ocean, but from the harbor as well. If the site is threatened by coastal hazards from the harbor side of development, as exacerbated by expected future sea level rise, then impacts will have also occurred to Pacific Coast Highway, where the project site is located, and the surrounding streets. This will disrupt the provision of essential services such as access by public roads and the site's ability to be served by public infrastructure in the current manner. As shown through CoSMoS, the project site and area would still be susceptible to flooding if 1.6 ft. of sea level rise with no storm scenario and from flooding with a 100-year storm scenario today. The flooding that may affect the site with future sea level rise may mean the project site is no longer located on private property due to the migration of the public trust boundary.

Because the site-specific hazards study provided by the applicant's coastal engineering consultant maintains that, even with expected future sea level rise, the proposed development is not expected to be threatened by coastal hazards and thus is not expected to need shoreline protection over the life of the development, the project can be found to conform with the hazards policies of the Coastal Act. However, given the dynamic nature of coastal beaches, as well as the Commission's review of data indicating that the property could be impacted by sea level rise at some point in the future, it is important to ensure that the risks of developing on these inland lots are borne by the applicant, not the public at large.

Section 30253 prohibits new development that would require construction of a protective device that would substantially alter natural landforms along bluffs or cliffs. Here, the applicant has not proposed to construct a shoreline protection device and no shoreline protection would be authorized by this permit; however, the applicant or a successor-in-interest could request a shoreline protection device at some point in the future. Although the project site is not a beachfront site, with expected sea level rise and flooding, the area between the project site and ocean waters is expected to narrow with time. Likewise, flooding from the harbor is expected to approach the project site in the future, which in turn raises the question of a possible request for future shoreline protection at the site. Therefore, it must be clear that, as new development, the entire development approved by this permit is not entitled to a shoreline protection device now or in the future. **Special Condition No. 2** is imposed by the Commission to require the applicant to acknowledge that the applicant has no right to a shoreline protective device for the project and that no future shoreline protective device will be allowed on site to protect the proposed development.

Given that coastal hazards may impact the proposed development before the end of its economic life as a result of sea level rise, the Commission must also find that the project assures stability and structural integrity and minimizes “risks to life and property” in an area of high flood hazard without a shoreline protective device. Here, it is important to note that the site is not currently threatened by coastal hazards and has been designed to be stable and structurally sound under current conditions.

However, as discussed, the best available science indicates that sea level rise is occurring and coastal hazards may threaten the project site, and may threaten not only the lower floor but the viability of the restaurant and residential use before the end of the structure's anticipated 75-year economic life. Therefore, **Special Condition No. 2** requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be safe for the life of the development, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

The Commission also finds that due to the possibility of flooding and other coastal hazards, if the applicant chooses to build in this location despite those risks, they should assume the risks of development in a hazardous area as a condition of project approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition No. 3**, will ensure that the applicant is aware of and understands the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the subject development, and will effectuate the necessary assumption of those risks by the applicant.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. For this reason, the Commission imposes **Special Condition No. 4**, which states that any future improvements to the parking area, garage, restaurant, residence, roof deck, or foundation, authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13253(b)(6) shall require an amendment from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. This condition ensures that any future development on this site that may affect shoreline processes receives review under the Coastal Act (or future certified LCP) by the appropriate regulatory body.

The proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act, which requires that risks to life and property be minimized, that stability and

structural integrity are assured, and that proposed new development neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Approval of the project, as conditioned, also is consistent with the Commission's obligation to manage and protect public trust resources.

D. Biological Resources/Water Quality

Section 30230 of the Coastal Act, Marine Resources; maintenance, states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act, Biological productivity, water quality, states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act, Oil and hazardous substance spills, states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind could result in adverse impacts upon the marine environment that could reduce the water quality and biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon to water quality and biological productivity and to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act, conditions must be imposed. Thus, the Commission imposes

Special Condition No. 5, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered, and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible. As conditioned to protect water quality and biological productivity through the implementation of requirements for safe storage of construction materials and safe disposal of construction debris, the project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

Post-Construction Impacts to Water Quality

The proposed project is considered development and there is an opportunity to improve water quality as required by Sections 30230, 30231 and 30232 of the Coastal Act. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize, to the extent feasible within its jurisdiction, the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to address these post-construction water quality impacts and to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act, the applicant has submitted a Preliminary Water Quality Management Plan (PWQMP) that minimizes impacts to water quality the proposed project may have after construction. The WQMP states that post development roof drainage will be collected by roof downspouts and directed into an rain water storage chambers on the property. The storage chamber will be directly connected to a bio clean water polisher system and then pumped out to the street through a curb drain at 18th Street. The remaining site drainage sheet flows and will be collected with area and strip drains and directed into the rain water storage chambers onsite.

Plastic pollution is a persistent and growing problem worldwide that significantly impacts the health of our oceans and coasts. Roughly 8 million metric tons of plastics are estimated to enter the ocean each year, and the United States is one of the top 20 contributors to plastic pollution.³ Plastic has been found in a wide range of marine environments including the seafloor, surface water, the water column, and on beaches and shorelines. California communities are estimated to spend more than \$428 million annually to clean up and control plastic pollution. Plastic never truly degrades into its chemical components; instead it physically breaks down into smaller and smaller pieces. Plastics under 5 millimeters in size are called microplastics, and are found worldwide, even in places considered pristine. Plastics have been found in the digestive tracts of marine organisms ranging from zooplankton to whales, and microplastics have been found in drinking water and food, including shellfish, salt, beer,

³ Ocean Protection Council <https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/>

and honey.⁴ In particular, the use of single-use plastics in food and beverage packaging or serveware make up seven of the top ten items found on Coastal Cleanup Day. Taken together food serveware and food and beverage packaging make up nearly 37% of the items found on the beach; therefore, this makes reducing single-use plastics at restaurants a high priority. Styrofoam or other single-use materials that often are used at restaurants could result in adverse effects to marine wildlife, since these materials can make their way to the ocean, causing fish, seabirds, sea turtles, and marine mammals to become entangled in or ingest plastic debris, causing suffocation, starvation, and drowning. The elimination of non-reusable, non-recyclable, and non-compostable products and the reduction of packaging is an effective way to protect the health of wildlife and the environment.

The proposed project includes a restaurant, which historically is a type of use that uses a large volume of plastics daily. There is an opportunity here with the proposed project to help reduce plastic pollution. Therefore, to ensure that the applicant protects marine resources and water quality, the Commission imposes **Special Condition No. 6**, which requires the applicant to participate in a marine debris reduction program, meet all mandatory criteria of the selected program, and become a fully certified member of the selected program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders.

Landscaping is part of the project and the applicant has provided Landscaping Plans. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed and water-efficient practices should be followed. Native drought tolerant plants help preserve biodiversity and help local wildlife live and thrive. They also require much less watering, fertilizer, and pesticides and thus prevent water run-off and improve air quality. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra-low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

Commission staff has reviewed the submitted landscaping plan and determined that it contains non-invasive and drought tolerant plants. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. Therefore in order to make sure that any onsite landscaping minimizes

⁴ Ocean Protection Council <https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/>

the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition No. 7**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Therefore, as conditioned, biological resources and water quality is protected, consistent with Sections 3020, 30231 and 30232 of the Coastal Act.

E. Deed Restriction

To ensure that any prospective future owner of the property is made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 8**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Coastal Act Violations

Violations of the Coastal Act have occurred on the project site, including but not limited to the demolition of an existing one-story commercial building and clearing of the site without benefit of the necessary coastal development permit. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The applicant has submitted a de minimis waiver fee five times the amount for that associated fee for the unpermitted demolition of the building and clearing of the site.

The proposed project includes the construction of a mixed-use building consisting of a parking area on the ground floor and a restaurant and residential townhome on the second and third floors.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the violations described above. Although development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations).

G. Local Coastal Program (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit must be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. Orange County's LCP for Sunset Beach was effectively certified in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. This annexation terminated the County's LCP permitting jurisdiction for the area. The Sunset Beach annexation area has not yet been incorporated into the City of Huntington Beach certified LCP. Thus, there is not currently an effective certified LCP for Sunset Beach and, therefore, the Chapter 3 policies of the Coastal Act provide the standard of review for coastal development permits in the area. The previously certified Sunset Beach LCP may be used as guidance as appropriate. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Huntington Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Huntington Beach Planning Department determined that the proposed development is categorically exempt on November 16, 2020. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

City of Huntington Beach Approval-In-Concept dated November 16, 2020.

City of Huntington Beach CUP No. 20-002

Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated February 11, 2021

Revised Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated May 18, 2021

Preliminary Water Quality Management Plan (PWQMP) prepared for Vision Development, LLC by Jones, Cahl & Associates, Inc.

From: tony sellas <tony.sellas@gmail.com>
Sent: Saturday, July 9, 2022 2:34 PM
To: Sy, Fernie@Coastal; SouthCoast@Coastal
Subject: Re: 5-20-0630-A1-(Vision Development, LLC) Immaterial Amendment
Attachments: Plans - 16655 PCH 6.30.20_7.29.20(1)__.pdf; W19d-6-2021-report__.pdf; Sunset-Beach-Specific-Plan-City-Council-Approved-012017__.pdf; 16655 Pacific Coast Hwy - City Changed the Definition of a parking structure__.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category, Important

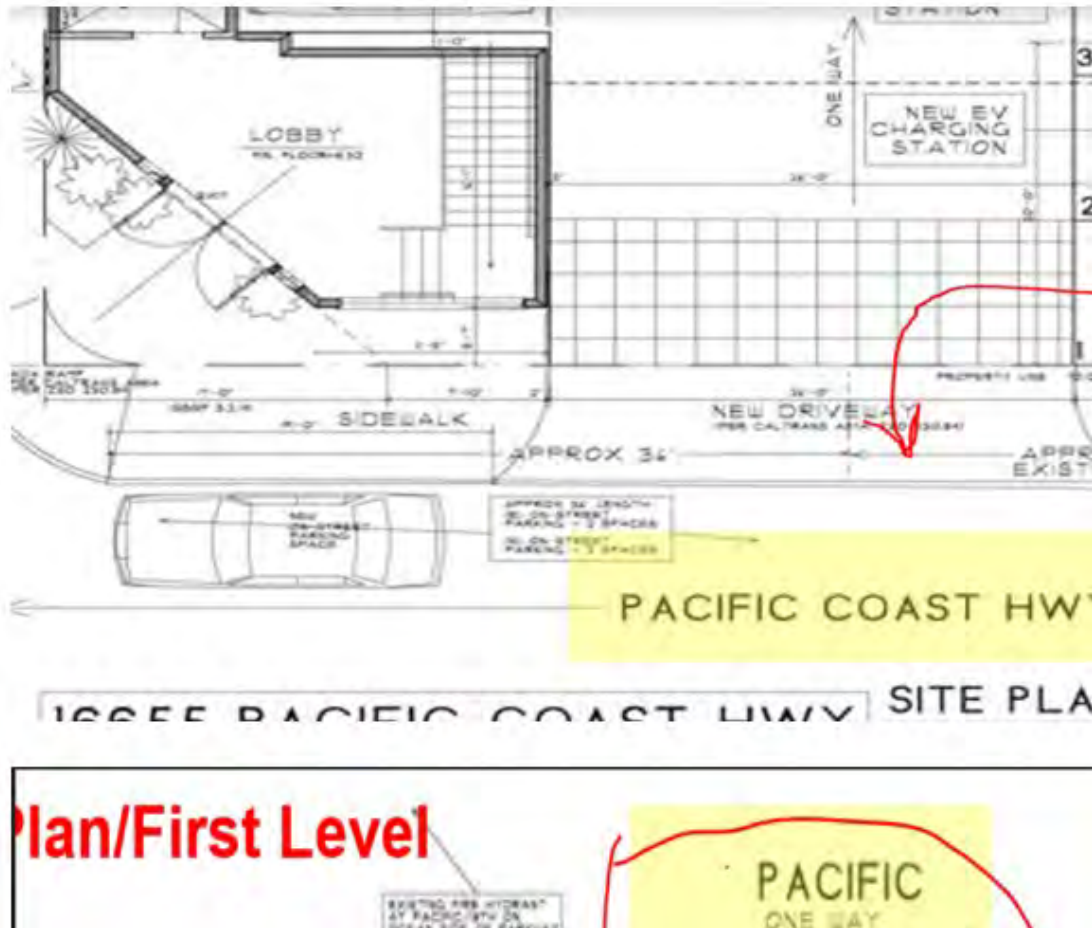
Dear Mr. Sy,

I am requesting to revoke the cdp 5-20-0630-A1 and object to the amendment.

Objecting to the amendment- **I am objecting to this amendment, because the proposed development will result in adverse impacts to public safety.** [Section 30212\(a\)](#) "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects **except where:** **(1) it is inconsistent with public safety...**"

The public safety issues involve potential motor vehicle injuries to pedestrians, bicycles and oncoming traffic, due to the lack of setbacks, corner cut off and the entry ramp, for the first level parking structure.

- For this project the parking structure **was not reviewed or approved** by the City's design review board, the Zoning Administrator or the Planning Commission. There was no approved CDP or conditional use permit for a parking structure.
- The parking structure for this project has no setbacks or corner cuts for the ingress and egress driveways and no setbacks on the two car residential garage. The setbacks and the corner cuts are required for public safety, to reduce the blind spots for oncoming traffic, pedestrians and bikes. .
- The first parking spot, in the parking structure, will have to blindly back out onto the sidewalk, located on PCH.
- With no ingress driveway setbacks, corner cutoffs or and extended entry ramps. Cars entering the parking structure will have to wait in the oncoming traffic, on PCH.
- For the project the City and the CC, allow the the existing 30-ft. wide driveway along Pacific Coast Highway will be reduced to 26 ft. wide and shifted to the northwest. This reduction of the ingress driveway will require the car on PCH to take a wider and sharper turn into the driveway, which might impede traffic and cause an accident.
- This project was not reviewed or approved by CalTrans. I believe CalTrans should review any traffic impacts, on PCH, caused by the reduced ingress driveway and no setbacks or corner cut offs.



The grounds for revocation of the permit, is the new construction is **1) inconsistent with public safety (Section 30212 (a)) as described in above** and 2) **Section 13105(a)** "Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;" , and the project is not consistent with the SBSP.

The Intentional inclusion of inaccurate, erroneous or incomplete information not stated on the application are the following,

1. For this project the application provided incomplete information on the zoning definitions and setback for the surface level parking structure. On page 11, of the application, describes the parking structure as a **"(mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors)"**. Per the [HBZSO 203.06](#) 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. Per the City's definition, this project does not have a parking structure holding up the 2nd and 3rd floors. Question- If the principle Use (restaurant) and the residential Units are located on the 2nd and 3rd floors, what is the parking structure called located on the first floor? What is the zoning ordinance that expressly permits it in the Coastal zone? The application fails to identify the 1st floor structure and building and setup back standards, that is holding up the restaurant and townhome on the second and third floors.
 - o Per the HBZSO [zoning code 216 \(CC COASTAL CONSERVATION DISTRICT\)](#) Any principal use or structure not expressly permitted is prohibited herein . **I argue the unidentified parking structure holding up the restaurant and townhome on the second and third floors, is not expressly permitted, therefore it is prohibited.**

2. Per the 215.18 (SPECIFIC PLAN DISTRICT) Application for building permits for projects in an SP District shall be accepted only if project plans are consistent with a valid specific plan and with all other applicable requirements of the Huntington Beach Municipal Code. The Sunset Beach Specific Plan is still valid and identified by the City and the CC.
- The application inaccurately defines the Principal Permitted Use (restaurant) and the Residential Use can be located above an Accessory Use structure (parking structure). The application is not consistent with the SBSP therefore the application should be revoked. The SBSP zoning for Mix Use is the residential to be built above the **first floor of the primary principle Use**, which is the Commercial business. (SBSP 3.3.2(C)(4)(A)). The application inaccurately allowed for the Principal permitted Use and the Residential Use to be above the **first floor of the "Accessory Use permit" (Parking Structure)**.
 - **Accessory Use permits are subordinate to a permitted principle use.** A parking structure is not a Principle primary Use. The SBSP allows parking structures, but the City eliminated them in 2020 without the Coastal Commission's approval. **So now no one level parking structures are permitted in Sunset Beach.**



- The application inaccurately calculates the SBSP's max residential calculations. On page 11 of the application it states, "the residential use does not exceed 50% of the **gross square footage of the entire structure.**"
- The application calculated the Max residential by using the "Gross Square AREA" of the entire building. For example, If the entire proposed Mix Use building is 2000 sq ft. than 50% of the residential will be 1,000 sq. ft. (1,000 for the commercial and 1,000 for the residential)
- The accurate way based on the HB's ordinance **17.73.010 Definitions. of gross square footage means, "means the area of a nonresidential development..."**. The nonresidential development is the commercial section of the Mix Use building (Principle permitted Use). For example: The MAX residential should be 50% of the gross square footage of the non-Residential development (the commercial restaurant). If the restaurant is 1000 sq ft, then the max sq. ft. of the residential above the Principle Permitted Use is 500 sq ft. (1000/.5 = 500)

Attached is the approved CDP, the SBSP and the email conversation with the City when the eliminated the single store parking structure in the Coastal zone.

Please revoke this permit.

Thank you,

Tony Sellas

On Tue, Jul 5, 2022 at 9:33 AM Sy, Fernie@Coastal <Fernie.Sy@coastal.ca.gov> wrote:

Hello,

You are being notified since you are identified as a known interested party for the 5-20-0630-A1-(Vision Development, LLC) project. An Immaterial Amendment to the project will be heard before the California Coastal Commission at its July 2022 hearing on Wednesday, July 13, 2022 as Item No. W13. I have attached a copy of the notice.

Please follow the link below to the agenda for additional information.

[California Coastal Commission](#)

Fernie Sy

Coastal Program Analyst II

California Coastal Commission

South Coast Area Office

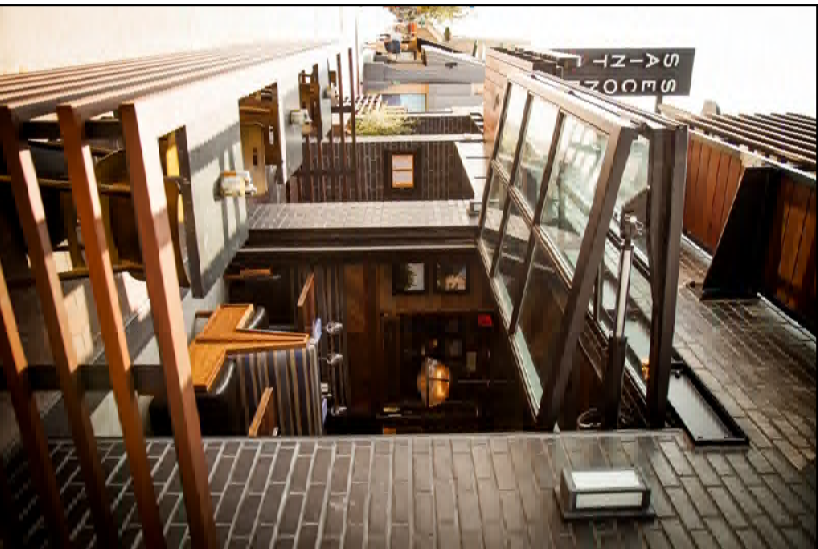
301 E. Ocean Blvd, Suite 300

Long Beach, CA 90802

(562) 590-5071

Please note that public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov.

Building design is based on provisions of the 2019 California Building Code. These drawings and general notes are intended to show and describe the work for the project. Any conflict with any laws, codes or ordinances or regulations, then they shall be in all costs of repair arising out of the non-conforming work.

[illegible]

PROPOSED PROJECT TO INCORPORATE THESE MATERIALS, SIMILAR DOORS AND WINDOWS, AND EXTERIOR COLORS.

SUNSET BEACH SPECIFIC PLAN – SP17

SUBJECT	CODE SECTION	REQUIRED	PROPOSED	NOTES
SETBACKS	SSBP 3.3.2.G3	NONE REQUIRED	1'-2"	
LOT COVERAGE		N/A		
FLOOR AREA (FAR)		N/A		
PARKING -TOWNHOME	SSBP 3.3.4	2 CARS COVERED		2 CAR GARAGE FOR TOWNHOME
PARKING- RESTAURANT	SSBP 3.3.4 SSBP 3.3.4.A.2.d	1 SPACE/100 SF SERVING AREA, 50% MAY BE COMPACT, ONE ADA	2 CAR ENCLOSED GARAGE 1 ADA 5 STANDARD, 6 COMPACT	SEE SHT A-1
PARKING STREET	SSBP 3.3.4.B.2	REPLACE EXISTING ON-STREET PARKING AT A 1:1 RATIO	1 SPACE AT ENTRY 1 SPACE NEXT TO NEW DRIVEWAY	THE EXISTING PARKING ONLY ALLOWS FOR ONE SPACE IN FRONT, RETOCCING DRIVEWAY ALLOWS FOR AN ADDITIONAL SPACE
BUILDING HEIGHT	SB-17.3.3.2.G1	MAXIMUM HT- 35'	-MAX HT= 35'	
BUILDING SITE CUTOFF	SSBP 3.2.14	CUTOFF TO BE 17'	17' CUTOFF	SEE SHT A-1

PROPERTY ADDRESS
16655 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92649

16655 PACIFIC COAST HWY
SQUARE FOOTAGE CALCULATIONS
PROPOSED MIXED USE STRUCTURE

RESTAURANT SERVING AREA

565 SF - 2ND LEVEL

630 SF - 3RD LEVEL

1200 SF TOTAL SERVING AREA

12 PARKING SPACES ALLOWS FOR UP TO 1200 SF SERVING AREA

165	PACIFIC COAST HWY
4	SQURE FOOTAGE CALCULATIONS
1	PROPOSED MIXED USE STRUCTURE
	RESTAURANT PORTION
537	SF - FIRST LEVEL
2371	SF - SECOND LEVEL
1815	SF - THIRD LEVEL
	3020 SF TOTAL
	3RD LEVEL RESTAURANT DECK
198	SF - RESTAURANT ENTRY DECK

OWNHOME PORTION

88	SE	-	FIRST LEVEL
183	SE	-	SECOND LEVEL
845	SE	-	THIRD LEVEL

1716 SF TOTAL

825 SF ROOFTOP DECK
364 SF 2-CAR GARAGE

364 SF 2-CAR GARAGE

THESE
THINGS
WILL
BE
THE
END
OF
THE
WORLD

THE NEW YORK CITY DECK

GROUND LEVEL PARKING AND 2 CAR GARAGE

ON

TYPE OF CONSTRUCTION: V-A SPRINKLERED
OCCUPANCY: MIXED USE M-RS
ZONE

LOT AREA: 5600 SF (VERIFY WITH CIVIL ENGINEER)

PARKING TABULATION:

2 COVERED SPACES FOR RESIDENTIAL TOWNHOMES

14 TOTAL PARKING SPACES

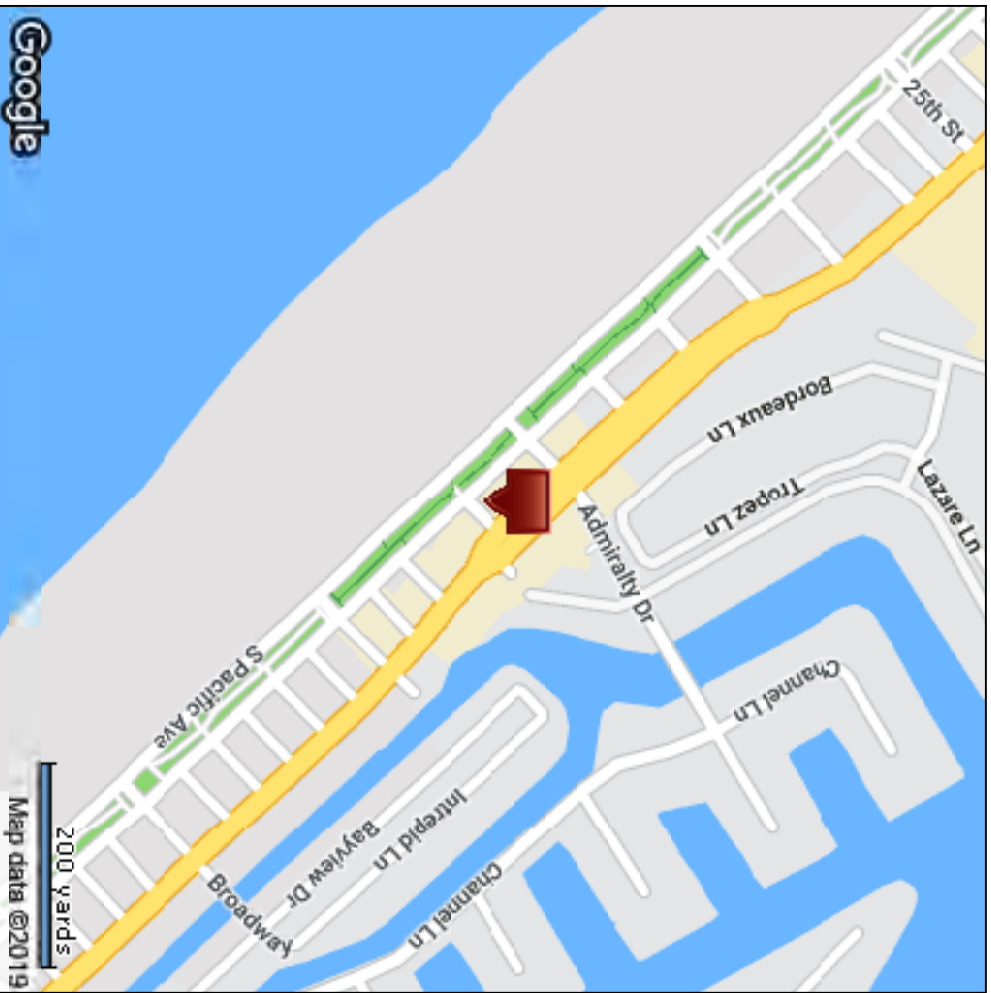
LOT COVERAGE = 98% (2" OFFSET FROM PROPERTY LINE)

CONDITIONAL USE PERMIT # _____

2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
2019 CALIFORNIA BUILDING CODE

2009 CALIFORNIA GREEN BUILDING STANDARDS CODE
2009 CALIFORNIA BUILDING CODE
2009 CALIFORNIA MECHANICAL CODE
2009 CALIFORNIA ELECTRICAL CODE
2009 CALIFORNIA PLYING CODE
2009 CALIFORNIA ENERGY CODE
2009 CALIFORNIA FIRE CODE
CITY OF HUNTINGTON BEACH, MUNICIPAL CODE

APN: 178-523-09



OWNER
VISION DEVELOPMENT, LLC
122A E FOOTHILL BLVD. #1
PASADENA, CALIFORNIA

ARCHITECT
COASTAL DOMAIN, INC
9121 ATLANTA AVE. STE 826
HUNTINGTON BEACH, CA
(714) 473-6623
CHERYL DEMARCO - LIC C23965



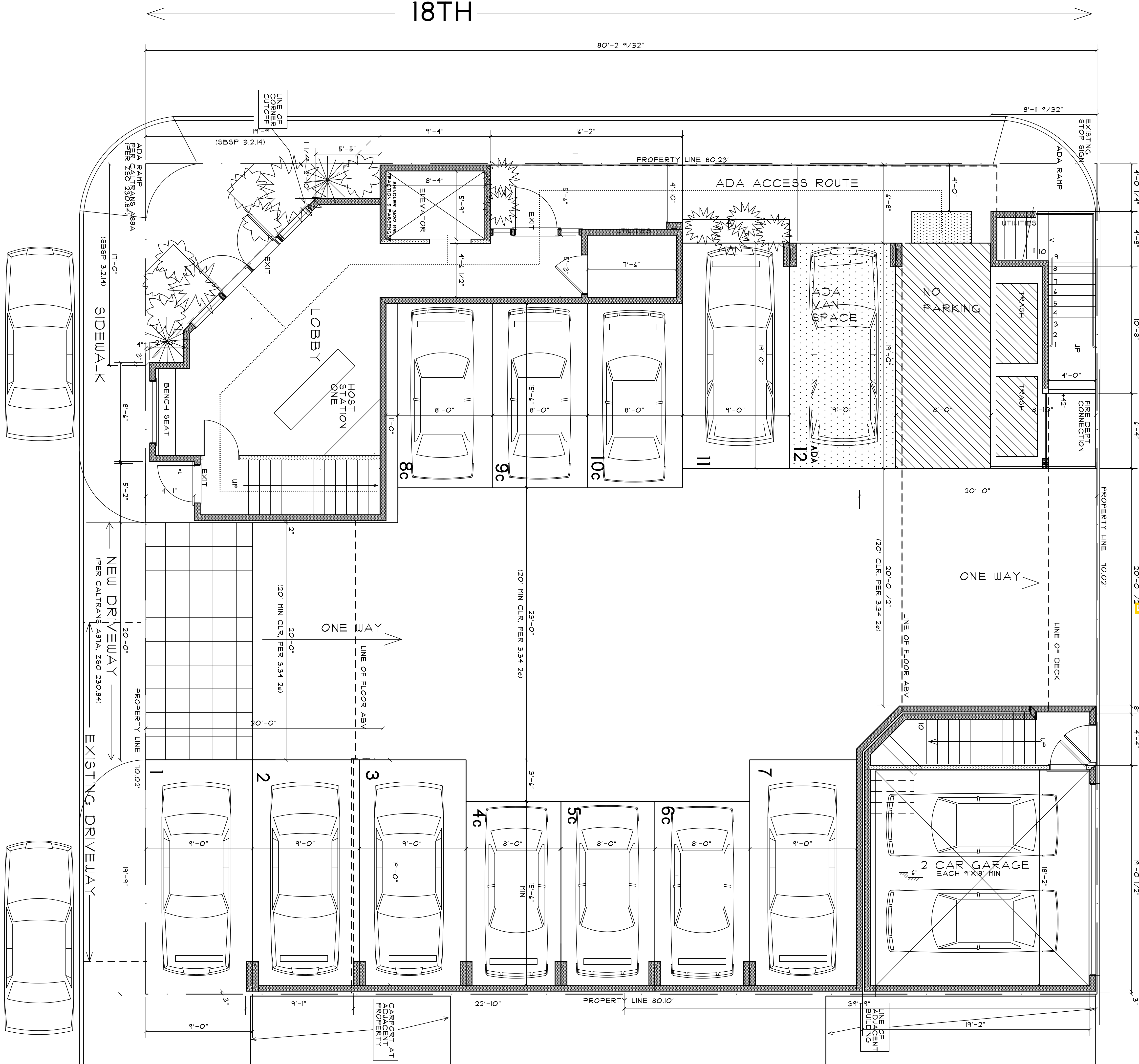
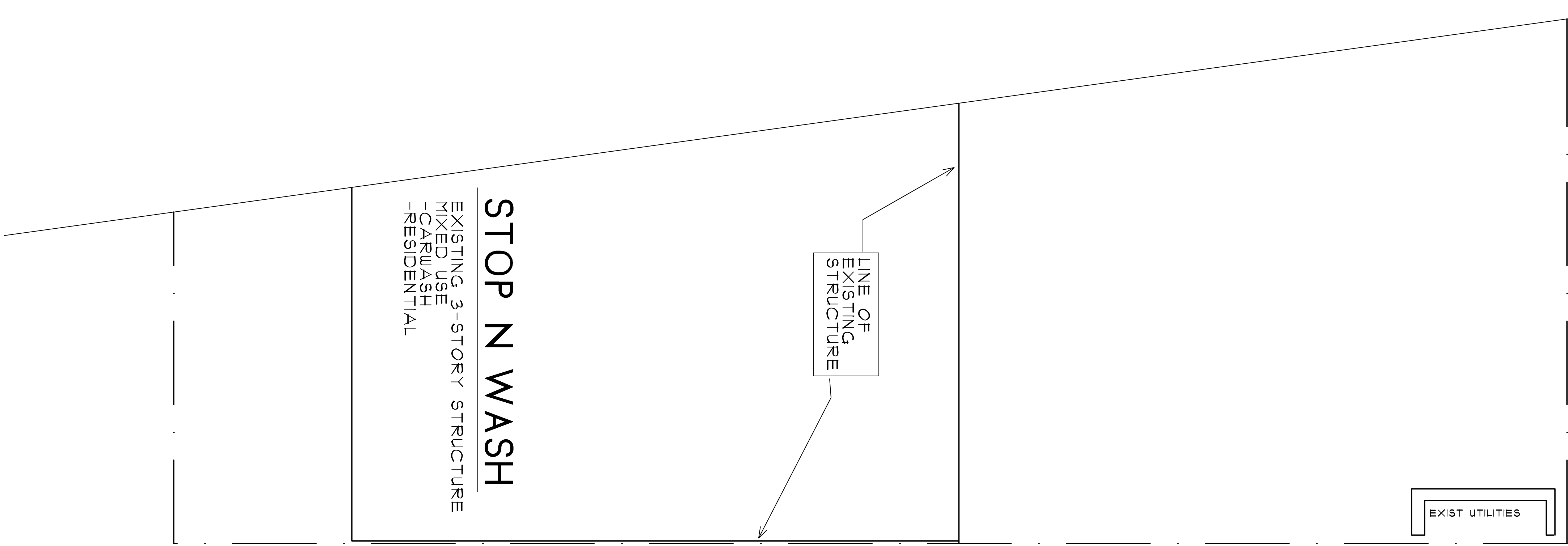
Sheryl Lynne DeMarco, Architect and/or Coastal Domain, Inc. ("Architect") shall retain common law and other reserved rights for this Project, including the copyright in the drawings, designs, concepts, plans, specifications and architectural documents which are instruments of the Architect's service ("Instrument of Service"). The Instrument of Service is not to be reproduced, changed, copied in any form, or assigned to any third party, without first obtaining the express written permission of Architect. Upon completion or termination of this Project, any permission to use the Instrument of Service that was previously granted in any way, by Architect, shall expire.

OF
SHEETS

PACIFIC
ONE WAY

PACIFIC
ONE WAY

LEGEND
EXISTING FIRE HYDRANT
NEW 2X4 WALL
NEW 2X4 WALL
ADA ROUTE



OWNER
VISION DEVELOPMENT, LLC
122A E FOOTHILL BLVD, #1
PASADENA, CALIFORNIA

ARCHITECT
COASTAL DOMAIN, INC
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CHERYL DEMARCO - LIC C23945

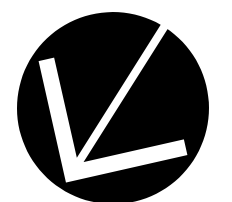


Cheryl Lynn Demarco, Architect and/or Coastal Domain, Inc. ("Architect") and others reserve all other reserved rights for the Project, including the copyright in the drawings, designs, concepts, plans, specifications and professional documents which are instruments of the Architect's service ("Instruments of Service"). The Instruments of Service shall not be reproduced, stored in a retrieval system, or used in any form or by any means, without the written consent of the Architect. Upon completion of the Project, the Architect and its personnel shall return the Instruments of Service to the Architect. The Architect and its personnel shall not be responsible for the use of the Instruments of Service that was previously granted to anyone by Architect and/or owner.

PROPERTY ADDRESS
16655 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92649

16655 PACIFIC COAST HWY

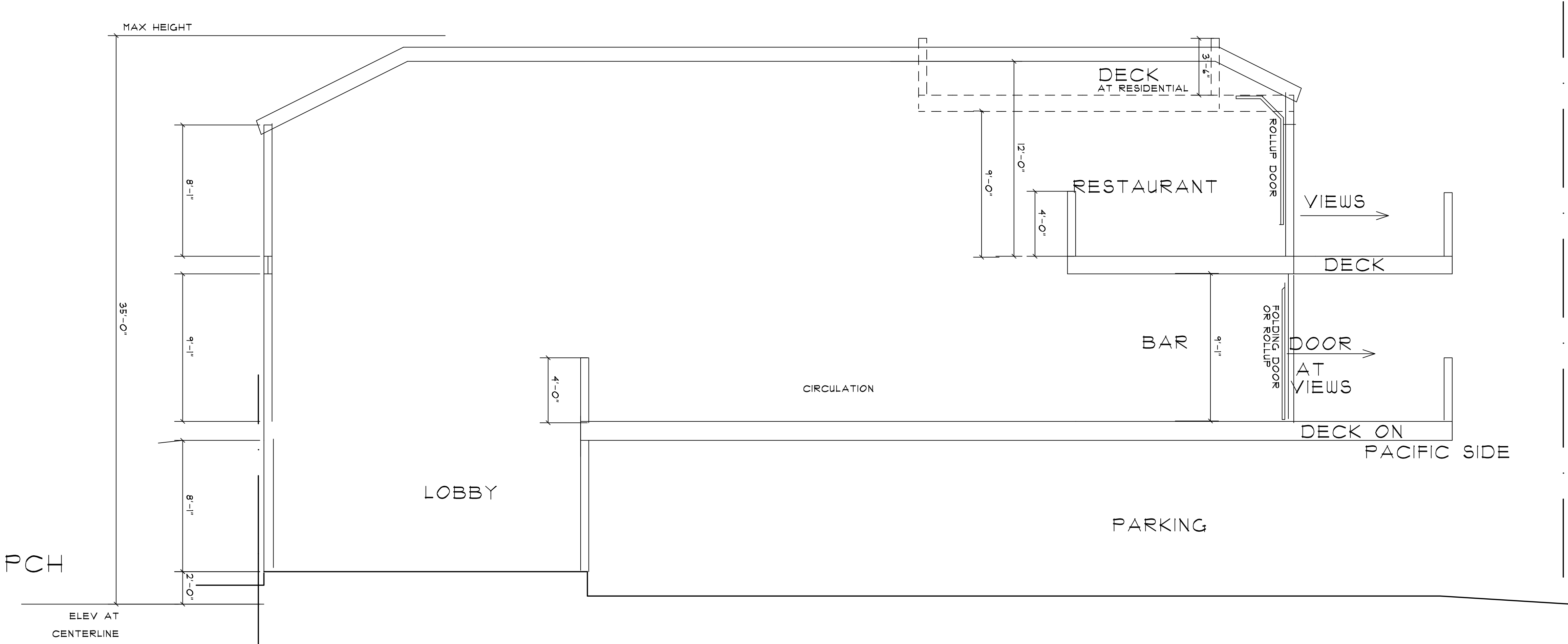
SITE PLAN-FIRST LEVEL
SCALE: 1/4"=1'-0"



A-1
OF SHEETS

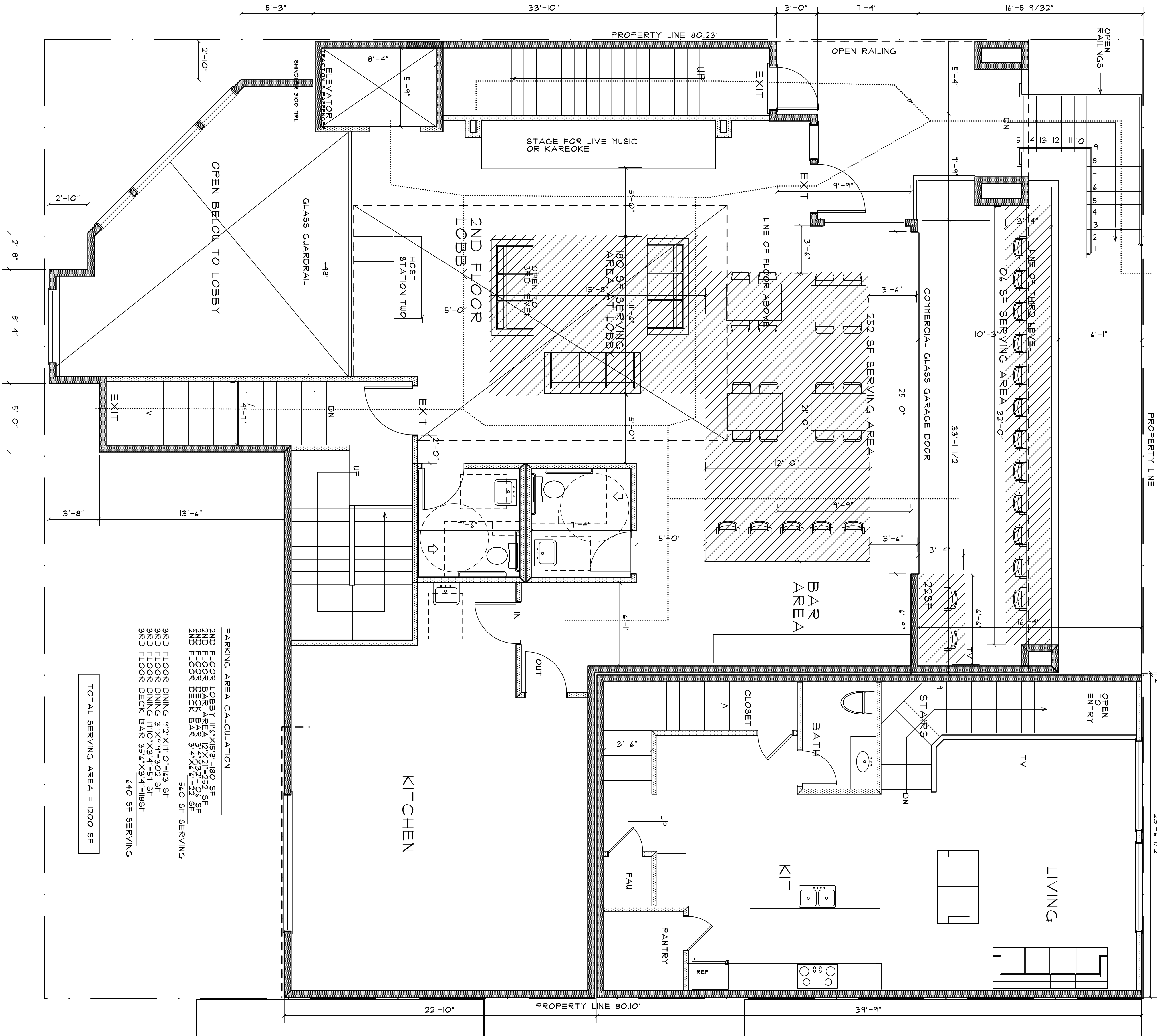
THREE-STORY 4,991 SF RESTAURANT (WITH BEER, WINE, SPIRITS AND LIVE ENTERTAINMENT)
THREE STORY 1842 SF TOWNHOME & ROOFTOP DECK
GROUND LEVEL PARKING AND 2 CAR GARAGE

PACIFIC



SECTION

LEGEND
NEW 2X4 WALL
NEW 2X4 WALL
ADA ROUTE

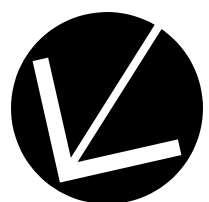


16655 PACIFIC COAST HWY

SECOND LEVEL

SCALE: 1/4"=1'

PROPOSED PLAN



OWNER
VISION DEVELOPMENT, LLC
122A E FOOTHILL BLVD, #1
PASADENA, CALIFORNIA

ARCHITECT
COASTAL DOMAIN, INC
9121 ATLANTA AVE, STE 824
HUNTINGTON BEACH, CA
(714) 413-4429
CHERYL DEMARCO - LIC C23945

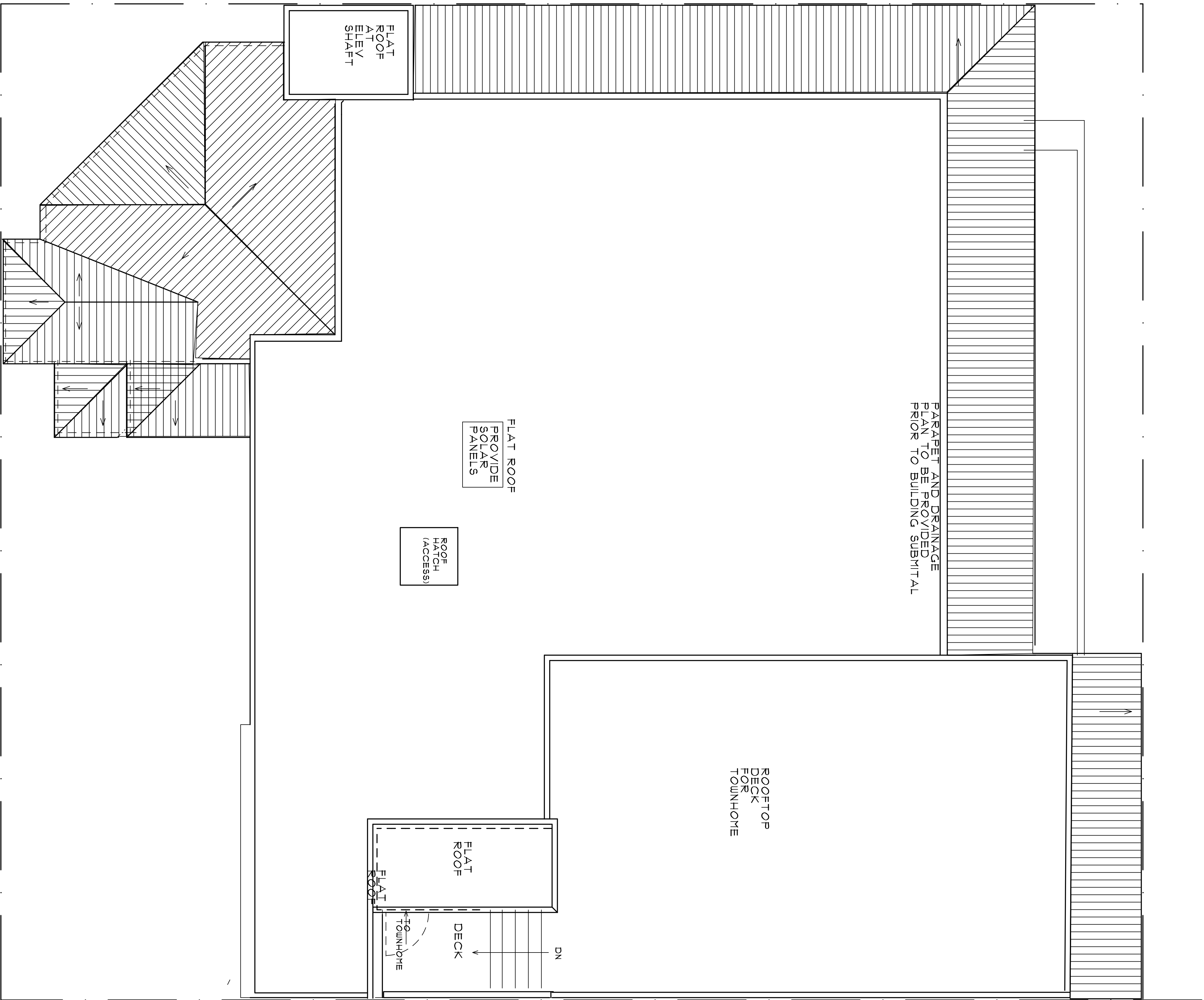


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PROPERTY ADDRESS
16655 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92649

A-2
OF SHEETS

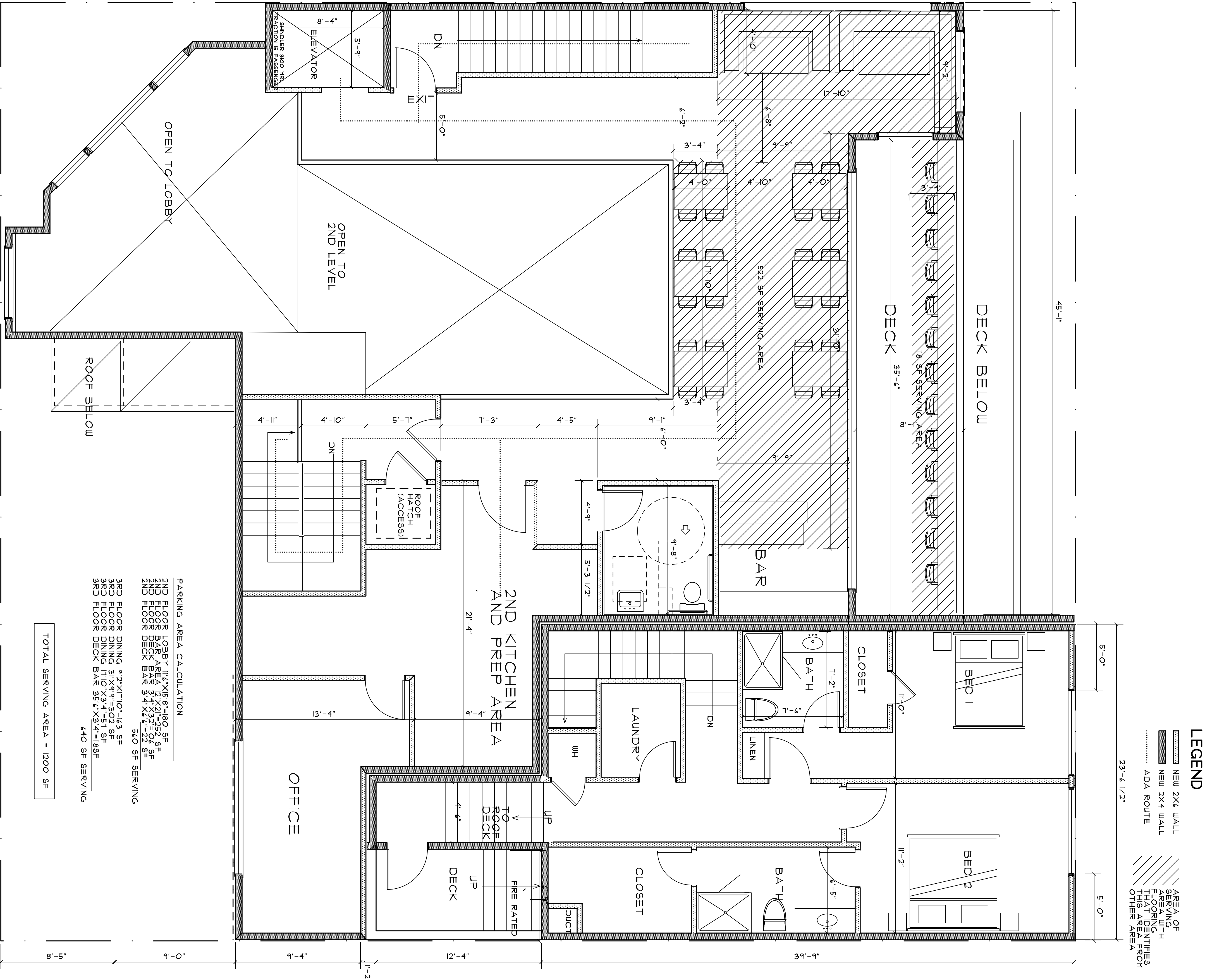
DATE
JULY 24, 2020
SCALE
1/4"=1'
SHEET



ROOF – DECK PLAN

SCALE: 1/4"=1'

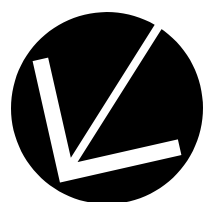
PROPOSED PLAN



THIRD LEVEL

SCALE: 1/4"=1'

PROPOSED PLAN



OWNER
VISION DEVELOPMENT, LLC
122A E FOOTHILL BLVD, #1
PASADENA, CALIFORNIA

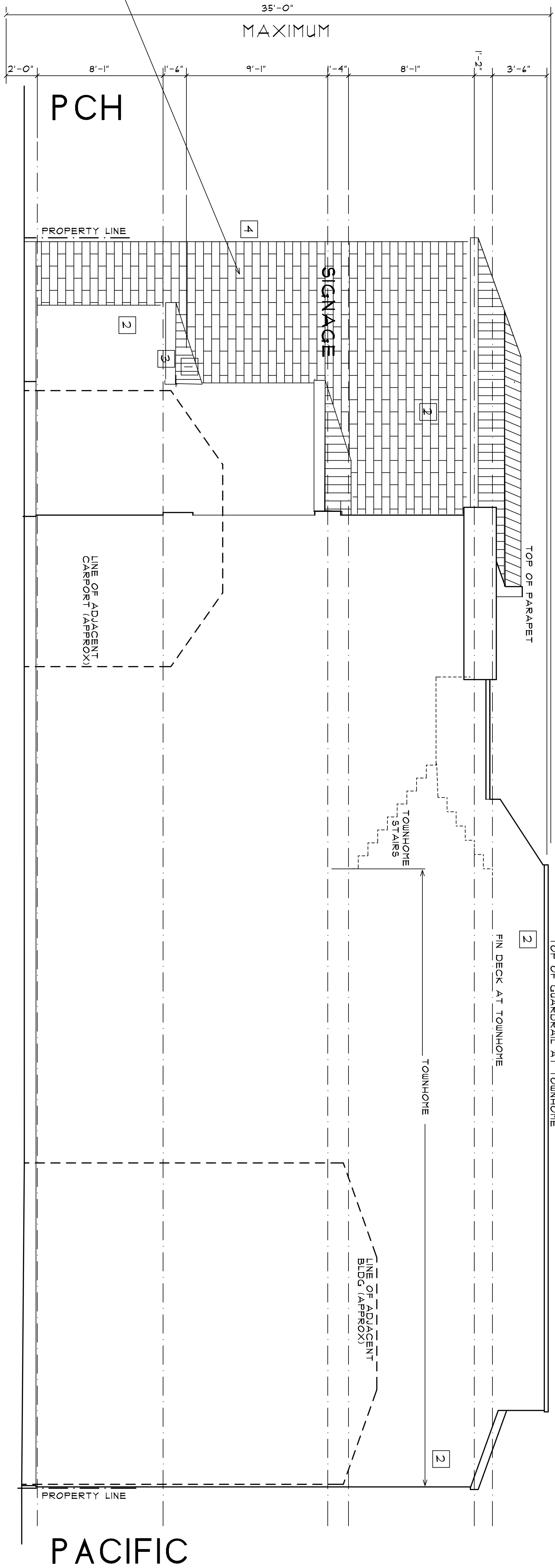
ARCHITECT
COASTAL DOMAIN, INC
9121 ATLANTA AVE, STE 824
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(714) 471-6622
CHERYL DEMARCO - LIC C23945



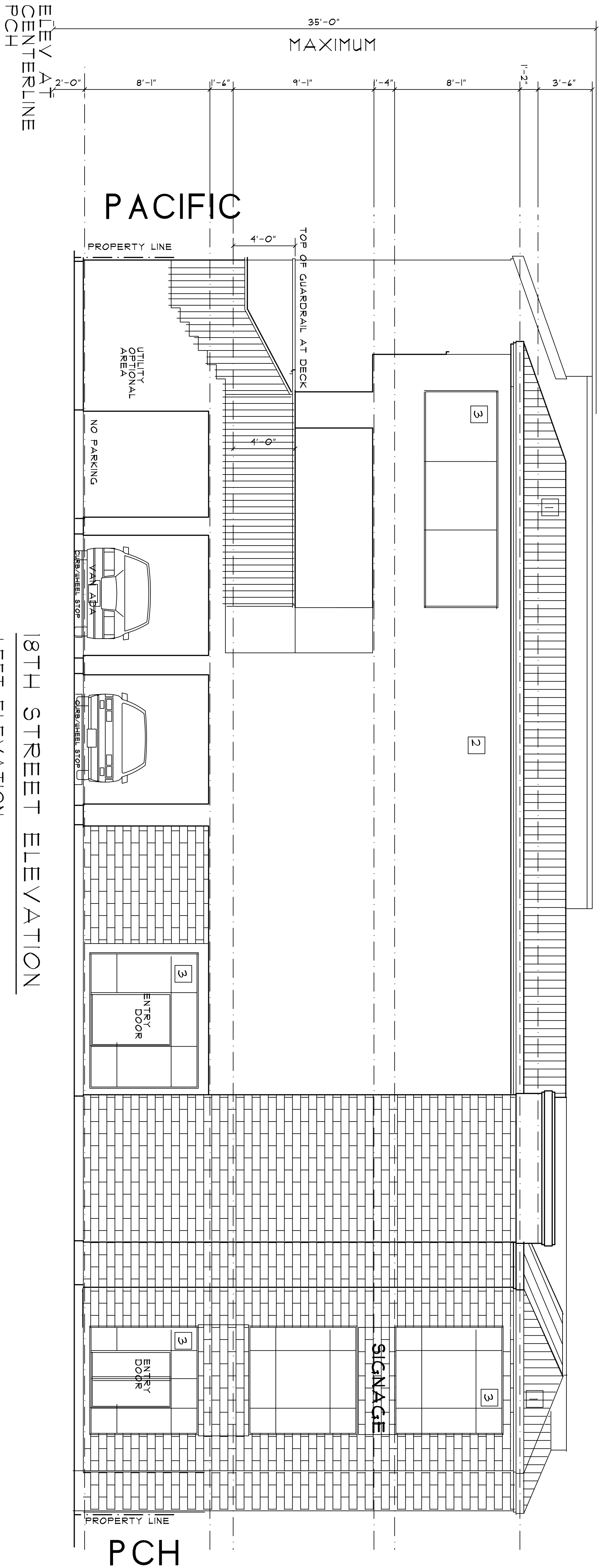
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PROPERTY ADDRESS
16655 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92649

- ELEVATION NOTES
- 1 NEW METAL ROOF BRONZE OR ONYX COLOR
 - 2 EXTERIOR STUCCO WALLS - FINISH TO BE SMOOTH COLOR/DON EDUARDS BEU550
 - 3 ALL WINDOWS SHALL ALL DUAL GLAZED MANUFACTURED BY JENCO, COLOR BLACK
 - 4 NEW STONE VENEER, MANUFACTURED BY CREATIVE MINES STYLE/COLOR - RAINCLOUD WAREHOUSE BRICK



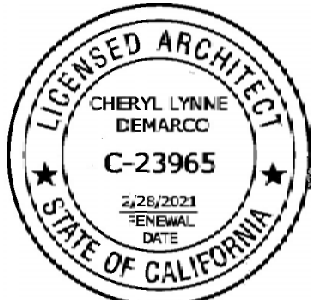
RIGHT SIDE ELEVATION
"BRIX" RESTAURANT ABUTTING



LEFT ELEVATION
18TH STREET ELEVATION

OWNER
VISION DEVELOPMENT, LLC
122A E FOOTHILL BLVD, #1
PASADENA, CALIFORNIA

ARCHITECT
COASTAL DOMAIN, INC
9121 ATLANTA AVE, STE 824
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PROPERTY ADDRESS
16655 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92649

DATE
MAY 24, 2020
SCALE
1/4"=1'-0"
SHEET

A-5

OF SHEETS

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W19d

Filed: 2/28/21
180th Day: 8/27/21
Staff: FSY-LB
Staff Report: 5/20/21
Hearing Date: 6/9/21

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-20-0630

Applicant: Vision Development, LLC

Agent: Cheryl DeMarco, AIA

Location: 16655 Pacific Coast Highway, Sunset Beach,
Huntington Beach, Orange County (APN: 178-523-09)

Project Description: Construction of a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with twelve parking spaces for the restaurant and two parking spaces for the townhome on a vacant lot. The project also includes an after-the-fact permit request for demolition of the pre-existing commercial building on the site and grading of the lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the construction of a mixed-use building consisting of a ground level parking area and a restaurant and residential town home on the second and third floors in the Sunset Beach community of the City of Huntington Beach, Orange County.

Commission staff is recommending **approval** with **eight special conditions** to ensure consistency with the public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act.

A one-story commercial building previously occupied the project site but was demolished and the site cleared without benefit of a necessary coastal development permit. The property was then sold to the current owner whose application is the subject of this staff report. The applicant has since submitted a fee five times the amount required for a coastal development permit waiver to demolish the pre-existing structure, in addition to the fee for the proposed development which is scheduled on the Commission's Regular Calendar.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will resolve the violations described above.

The project site is located in an area where on-street parking is available to the general public along Pacific Coast Highway and 18th Street. The proposed project will not adversely impact on-street parking. However, to ensure that the applicant is aware of the importance of retaining on-street public parking now and in the future, staff recommends the Commission impose **Special Condition No. 1**, which requires that the proposed project shall not interfere with on-street public parking.

The proposed project is located on an inland parcel approximately 200 ft. inland of the beach and the Pacific Ocean, within an area where coastal hazards exist and could adversely impact the development. According to the CoSMoS sea level rise model, the project site is susceptible to flooding if 1.6 ft. of sea level rise occurs in combination with an astronomical tide, even without a storm scenario. Based on the best available science, 1.6 ft. of sea level rise or more is likely during the project's expected 75-year life. Additionally, under a severe storm, the site will be subject to flooding, even without any increase in sea level. In order to mitigate future potential sea level rise impacts, the applicant is proposing non-habitable development on the first floor, which will be constructed of block and concrete walls that include waterproofing. No shoreline protective device is proposed to protect the development pursuant to this permit. However, given that the applicant is proposing to construct a new restaurant and a residence in a hazardous location, staff recommends the Commission impose **Special Condition No. 2**, requiring the applicant to agree that no future shoreline protective device may be relied on to protect the development authorized by this permit. In addition, this condition requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. Staff also recommends the Commission impose **Special Condition No. 3**, requiring the applicant to assume the potential risk of injury and damage arising from coastal hazards that may threaten the development. Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. Thus, staff also recommends that the Commission impose **Special Condition No. 4**, which requires the applicant obtain a permit amendment or new permit for any future improvements to the parking area, garage, restaurant, residence, roof deck, or foundation.

During and post-construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, staff recommends the Commission impose **Special Condition No. 5** which provides standards for the safe storage of construction materials and the safe disposal of construction debris.

Because the development includes space for a large commercial restaurant, **Special Condition No. 6** requires the applicant to submit and implement a comprehensive plan to reduce waste and single-use plastic foodware and packaging.

Staff also recommends the Commission impose **Special Condition No. 7**, which requires that all vegetated landscaped areas only consist of native plants or non-native drought tolerant plants that are non-invasive.

To ensure that any prospective future owner(s) of the properties are made aware of the applicability of the conditions of this permit, staff recommends the Commission impose **Special Condition No. 8** which requires the property owner to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property.

Orange County's Local Coastal Program (LCP) for Sunset Beach was effectively certified in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. This annexation terminated the County's LCP permitting jurisdiction for the area. The Sunset Beach annexation area has not yet been incorporated into the City of Huntington Beach certified LCP. Thus, there is not currently an effective certified LCP for Sunset Beach and, therefore, the Chapter 3 policies of the Coastal Act provide the standard of review for coastal development permits in the area.

The motion to approve the CDP application is on **Page 5**. The special conditions begin on **Page 6**.

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

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EXHIBITS

[Exhibit 1 – Location Map](#)

[Exhibit 2 – Site Plan/First Floor Plan](#)

[Exhibit 3 – Floor and Roof Plans](#)

[Exhibit 4 – Elevation Plans](#)

[Exhibit 5 – Grading Plan](#)

[Exhibit 6 – CoSMos Sea Level Rise Model Maps](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-20-0630 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided that the assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owner and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **On-Street Public Parking.** By acceptance of this permit the permittee agrees, on behalf of itself and all successors and assigns, that, with the exception of the decrease and re-location of the driveway along Pacific Coast Highway from thirty ft. (30) wide to twenty-six (26) ft wide, the subject development shall not interfere with existing on-street public parking spaces along Pacific Coast Highway and along 18th Street, which shall remain unobstructed by the subject development and available to the general public for public parking.
2. **No Future Shoreline Protective Device.**
 - A. By acceptance of this permit, the permittee agrees, on behalf of itself and any successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-20-0630 including, but not limited to, the restaurant, garage, residences, and foundation, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, any similar provision of a certified LCP, or any applicable law.
 - B. By acceptance of this Permit, the permittee further agrees, on behalf of itself and all successors and assigns, that it is required to remove all or a portion of the development authorized by this permit and restore the site, if:
 - i. The City of Huntington Beach or any government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards related to coastal processes, and that there are no feasible measures that could make the structure suitable for habitation or use without the use of bluff or shoreline protective devices;
 - ii. Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;

- iii. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or
- iv. The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No. 5-20-0630 does not allow encroachment onto public trust lands. Any future encroachment onto public trust lands shall be removed unless authorized by the Coastal Commission. Additionally, encroachment onto public trust lands is subject to approval by the State Lands Commission or other designated trustee agency.

- 3. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 4. **Future Development.** This permit is only for the development described in CDP No. 5-20-0630. Pursuant to Title 14 of the California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a)-(b) shall not apply to the development governed by CDP No. 5-20-0630. Accordingly, any future improvements to the parking area, garage, restaurant, residence, roof deck, foundation and any future improvements including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations Sections 13253(a)-(b), shall require an amendment to CDP No. 5-20-0630 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
- 5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

- B.** No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C.** Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- D.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F.** The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H.** All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I.** Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J.** The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K.** Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with

demolition or construction activity, shall be implemented prior to the on-set of such activity; and

- M.** All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- N.** During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.

6. Marine Debris Reduction Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a comprehensive plan to reduce waste and single-use plastic foodware and packaging. The plan shall include at a minimum, all of the following, and the applicant shall implement the approved version of the plan:

- A.** The applicant shall install and maintain educational signage that promotes and encourages the use of reusable items (instead of single-use items)
- B.** Adhere to the following criteria:
 - i. Only use reusable foodware (including dinnerware, drinkware, silverware, and ramekins/containers) for onsite dining.
 - ii. Only provide paper straws, or straws made from naturally occurring materials or reusables, upon request.
 - iii. Prohibit the use of expanded polystyrene (aka Styrofoam).
 - iv. Prohibit the use of plastic bags on-site or for takeout/to-go orders.
 - v. Only provide single-use utensils, straws, condiments, and other accessory items upon request for takeout/to-go orders.
 - vi. Prohibit the sale of beverages in plastic bottles.
 - vii. Follow proper recycling practices.
- C.** Participate in a Marine Debris Reduction Program such as the ReThink Disposable Program (RTDP), Surfrider's Ocean Friendly Restaurants (OFR), or a substantially similar program, meet all mandatory criteria of the selected program and become a fully certified member of the selected program. Within 6 months of the completion of the proposed development, the applicant shall participate in an established program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders. The applicant shall be responsible for the fees needed to participate in the program.
- D.** No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

7. **Landscaping-Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
8. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) has/have executed and recorded against the parcels governed by this permit deed restrictions, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject properties, subject to terms and conditions that restrict the use and enjoyment of those properties; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Properties. The deed restrictions recorded against title to each property shall include a legal description of that entire parcel. The deed restrictions shall also indicate that, in the event of an extinguishment or termination of either or both of the deed restrictions for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject properties so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Description, Standard of Review and Prior Permit

On a currently vacant lot, the applicant proposes to construct a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with a rooftop deck, including twelve parking spaces for the restaurant and two dedicated parking spaces in a 364 sq. ft. garage for the townhome ([Exhibits 2-5](#)). The lowest level (ground floor) will consist of the parking area for the restaurant and townhome and the second and third floors will consist of the restaurant and townhome. No grading is proposed, except for the grading to clear the lot of pre-existing development which has already taken place (see Prior Permit and Violations sections of this report). The foundation system will consist of footings and a concrete mat slab. On-site drainage will be directed to a rain storage chamber connected to a bio clean

water polisher system and then pumped out to the street through a curb drain at 18th Street. Landscaping is proposed.

The project site is a 5,600 sq. ft. parcel located at 16655 Pacific Coast Highway, in the Sunset Beach community of the City of Huntington Beach, Orange County ([Exhibits 1](#)). Sunset Beach is a low-lying, relatively narrow strip of land between two water bodies – the Pacific Ocean (approximately 200 ft. to the west) and Huntington Harbour (approximately 250 ft. to the east). The project is located on the seaward side of Pacific Coast Highway within an existing urban area, on an interior lot (not located between the first public road and the sea). In order to mitigate future potential sea level rise impacts, the applicant is proposing non-habitable development on the first floor, which will be constructed of block and concrete walls that include waterproofing. The applicant is also proposing that the access ways to the parking area and lobby be protected with temporary flooding shields when necessary, as a future adaptation measure.

Furthermore, the applicant states that the proposed project is consistent with the National Flood Insurance Program (NFIP) as determined by the City of Huntington Beach as a Federal Emergency Management Agency (FEMA) community member.

Sunset Beach is an area that was formerly unincorporated Orange County area. Under the County's jurisdiction, Sunset Beach was subject to a certified Local Coastal Program (LCP). The former County LCP for the area was effectively certified in 1982 and last updated in 1992. However, in August 2011, Sunset Beach was annexed by the City of Huntington Beach, resulting in the lapse of a certified LCP for Sunset Beach. 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 County's previously certified Sunset Beach LCP may be used as guidance; however, it should be noted that the previously certified LCP was last reviewed by the Coastal Commission almost thirty years ago and did not adequately address a number of issues of current concern including appropriate development setbacks from the seaward property line of beachfronting lots and sea level rise concerns, which are likely to be a significant issue in the new LCP, given the high degree of sea level rise vulnerability in the area.

The City has adopted essentially equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City. Nevertheless, it is worth noting that the proposed project (mixed use building with a parking lot on the ground floor with a restaurant and townhome on the second and third floors) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP, and under the City's current zoning. The old LCP and current City zoning designate the site Sunset Beach Tourist, which requires uses that cater to the needs of tourists, visitors, and the local community. The Sunset Beach Tourist designation also allows residential development when it is: located above the ground floor level, the required parking is provided, and the residential use does not exceed 50% of the gross square footage of the entire structure. The proposed

development is consistent with this designation. The height of the proposed structure will be 35 ft. above the finished grade, consistent with the City's current height limit for the site and the former County LCP height limit. In addition, the design of the proposed mixed used commercial/residential structure is consistent with existing surrounding development along Pacific Coast Highway in Sunset Beach.

There are no public coastal views from the project site or the adjacent segment of Pacific Coast Highway, so the project will not adversely impact public coastal views from the site.

Prior Permit

On March 6, 2019, the Commission approved CDP No. 5-18-0682 (Seidner) for the demolition of a vacant, commercial one-story structure and construction of a two-story, 30 ft. high, 4,330 sq. ft. mixed use structure including 2,015 sq. ft. of classic car sales on the first floor, and two 895 sq. ft. residential units on the second floor, with 300 sq. ft. of exterior deck area, an attached 600 sq. ft., three car garage, and a five vehicle space parking lot. The CDP was never issued and it expired on April 9, 2021. Prior to the site being sold to the current owner, the pre-existing structure on the site was demolished and the site cleared, and thus development without a coastal development permit took place. This will be described in greater detail and addressed in the Coastal Act Violations section of the Staff Report.

B. Public Access and Recreation

Section 30210 of the Coastal Act, Access; recreational opportunities; posting, states:

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

Section 30214 of the Coastal Act, Implementation of public access policies; legislative intent, states, in relevant part (emphasis added):

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

Section 30221 of the Coastal Act, Oceanfront land; protection for recreational use and development; states:

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

Coastal Act Section 30252, Maintenance and enhancement of public access, states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

The project site is located approximately 200 ft. from the public, sandy beach which supports recreational uses and serves coastal visitors. Further east of the project site, approximately 300 ft. inland, there is a small harborfront beach suitable for launching small craft such as kayaks and paddleboards. In addition, there is a public boardwalk along the harborfront located approximately 1,200 ft from the project site. In order for the proposed development to be found consistent with the Coastal Act's requirement that public access be maximized, new development must not interfere with continued public access opportunities to both the sandy beach and the public amenities at the harbor.

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 parking to serve the proposed uses.

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.

In the past, the Commission has used the 2019 California Green Building Code (CALGreen) as guidance for electric vehicle requirements in commercial, retail and other nonresidential locations.¹ However, in recent actions,² the Commission has required commercial development projects to provide actual Electric Vehicle Charging Stations (EVCS) concurrent with the development. Based on CALGreen, the proposed project requires one “EV Capable” space, which is defined as: “Installation of “raceway” (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).” However, the applicant has gone above what is required pursuant to CALGreen by proposing one EVCS and proposing to have another space EV Capable so in the future an EVCS can be installed. Thus, the project is consistent with the requirements pursuant to CALGreen and would be

¹ The 2019 California Green Building Code does not require all EVCS to be constructed; it suggests that installation of electrical infrastructure and conduit to provide capacity for future EV Charging Stations may satisfy requirements.

² A-5-DPT-18-0046-(Cannons) approved by the Commission at the February 2021 Commission hearing.

consistent with recent Commission actions to provide public access to people with electric vehicles.

Sea Level Rise

As reflected in the Coastal Act Sections cited above, the Coastal Act requires that public access to the shoreline be maximized. Coastal Act Section 30221 requires that oceanfront land suitable for recreational use be protected for recreational use, unless demand for such a use is or likely will be provided elsewhere in the area. With expected future sea level rise and resulting coastal erosion, it is likely that future demand for public recreational activities, such as use of the sandy beach, will need to be accommodated on smaller, narrower beaches. In addition, the general population is expected to continue to increase. Section 30214 of the Coastal Act recognizes the inherent conflicts likely to arise when private property abuts public use areas, but the Coastal Act prioritizes public access needs. Although the sandy beach in this area is currently wide, the width is expected to narrow as the sea rises.

As described below, and as indicated by the best available science for this area, the project site and surrounding area are vulnerable to impacts of sea level rise. Review of CoSMoS modeling in the immediate project vicinity indicates the currently wide sandy beach will likely narrow significantly over the 75-year life of the proposed mixed-use development. The loss of sandy public beach area due to sea level rise will increasingly limit the sandy beach areas available for public use. **Special Condition No. 2** requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be safe for the life of the development, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

Therefore, as conditioned, the project will not impact public access to the coast, consistent with Sections 30210, 30214, 30221 and 30252 of the Coastal Act.

C. Hazards

Section 30253 of the Coastal Act, Minimization of adverse impacts, states, in pertinent part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is sited in a low-lying area that is inherently vulnerable to flooding. Thus, potential hazards issues that must be addressed include the potential for flooding and storm hazards. These hazards may be exacerbated by the sea level rise that is expected to occur over the coming decades.

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years. Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, there is unequivocal evidence that the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. On November 7, 2018, the Commission adopted a science update to its Sea level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.” The most recent projections in the statewide sea level rise guidance indicate that sea levels in this area may rise between 3.2 ft. and 6.7 ft. by the year 2100, though there is a risk of more significant sea level rise depending on various uncertainties, including the dynamics of ice sheet loss. The projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea level rise are tracking along the higher projections) as well as the inherent uncertainty regarding the exact rate of future sea level rise, the Ocean Protection Council and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore in many locations, which will result in increased flooding, erosion, and storm impacts to coastal areas. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

Although the project site is not located within the first line of development adjacent to the ocean, the site is located in the Sunset Beach community that is within a large, low-lying coastal area that is particularly vulnerable to flooding from both the ocean and the harbor. This vulnerability is further exacerbated with sea level rise and increased storm surge activity.

The Sunset Beach community has historically experienced flooding and damage from storm waves, and areas adjacent to the harbor can flood now during high tides, or high tides combined with storms. In response to these recurring flood problems, the community has developed several programs to minimize beach loss and flood risk. The US Army Corps of Engineers (USACE), in conjunction with the city and county, undertakes a periodic beach replenishment program that is on-going for more than 50 years. The County, and now the City of Huntington Beach, also constructs a seasonal berm across the beach each winter for protection from storm waves. Both of these programs enhance the beach areas and reduce flooding, but such efforts happen only with a sustained financial commitment from the different funding agencies. Without ongoing interventions, much of the lower lying areas of Huntington Beach, including Sunset Beach, would likely be at increased risk from flooding, and shoreline areas would be at risk from erosion. With rising sea level, these risks are likely to increase unless the interventions become larger or more frequent to keep up with the future hazards.

The Coastal Commission, in line with statewide guidance, generally advocates for a precautionary approach to sea level rise adaptation planning, which stems from the overall importance of keeping development safe from coastal hazards and protecting

coastal resources, consistent with the Coastal Act. It also derives from the fact that the costs and consequences associated with inadvertently underestimating SLR hazards could be quite high. As explained in the State of California Sea Level Rise Guidance written by the Ocean Protection Council (OPC), the “risk aversion scenario” is a principle of SLR risk analysis that is used to account for variable risk tolerance for different types of development by establishing SLR probability thresholds for varying degrees of risk aversion. For example, a critical infrastructure asset, such as a hospital, should be analyzed with high risk aversion, and would use a more precautionary range of probabilities of amounts of SLR, while a parking lot or a bike path could be analyzed with lower risk aversion. In this case, the risk aversion scenario recommended by both the Commission and OPC Guidance for residential and commercial projects is “medium-high,” as it represents a scenario that is relatively high within the range of possible future SLR scenarios and is therefore appropriately precautionary. In other words, the statewide SLR guidance recommends use of the relatively high projection of SLR associated with the medium-high risk aversion scenario, even though it has a lower probability (1-in-200 chance), because of the high consequences to precious coastal resources, valuable development, and life and safety that would occur if SLR were underestimated, and the recognition that many of these impacts cannot be undone once they have occurred.

According to the CoSMoS sea level rise model, the project site and area is susceptible to flooding if 1.6 ft. of sea level rise occurs in combination with an astronomical tide, even without a storm scenario, which may occur before the end of the structure’s 75-year expected life ([Exhibit 6](#)). Using the CoSMoS sea level rise model and applying a 100-year storm scenario, the project site and area is even more vulnerable to flooding under current conditions, with no sea level rise ([Exhibit 6](#)). Given the project site’s potentially hazardous location, the applicant prepared a coastal hazards study (Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated February 11, 2021). The applicant’s study analyzes potential risks to the project site resulting from coastal flooding and other hazards (including wave uprush and coastal erosion) and it states that the proposed restaurant and residence would be “relatively safe from hazards” for the expected 75-year lifespan of the development despite the flood risk present at the project site. It also states that the lowest floor (ground floor/first floor) will be the parking garage at about elevation 8.0 ft. NAVD88 and lobby access for the restaurant above with a finished floor at about +8.3 ft. NAVD88. The second and third floors contain the restaurant and the residential townhome. The lowest restaurant and residential townhome finished floor elevation is at +17.9 ft. NAVD88. In order to mitigate future potential sea level rise impacts, the hazards analysis states that adaptation measures have been incorporated into the project, such as having the lowest floor consist of non-habitable development and being constructed of block and concrete walls that include waterproofing. In addition, the access ways to the parking area and lobby can be protected with temporary flooding shields. The analysis also indicates that the proposed project is consistent with the National Flood Insurance Program (NFIP) as determined by the City of Huntington Beach as a Federal Emergency Management Agency (FEMA) community member. Such requirements of the NFIP, consist of

requiring the building to be constructed of materials resistant to damage from immersion in flood waters, construction with methods and practices that minimize flood damage, provision of adequate drainage to reduce exposure to flood hazards, etc.

In this case, because with future sea level rise, the project site may be threatened from both the harbor side as well as the ocean side, consideration of impacts to the development – and impacts the development may have on an eroding shoreline – must be considered not just from the ocean, but from the harbor as well. If the site is threatened by coastal hazards from the harbor side of development, as exacerbated by expected future sea level rise, then impacts will have also occurred to Pacific Coast Highway, where the project site is located, and the surrounding streets. This will disrupt the provision of essential services such as access by public roads and the site's ability to be served by public infrastructure in the current manner. As shown through CoSMoS, the project site and area would still be susceptible to flooding if 1.6 ft. of sea level rise with no storm scenario and from flooding with a 100-year storm scenario today. The flooding that may affect the site with future sea level rise may mean the project site is no longer located on private property due to the migration of the public trust boundary.

Because the site-specific hazards study provided by the applicant's coastal engineering consultant maintains that, even with expected future sea level rise, the proposed development is not expected to be threatened by coastal hazards and thus is not expected to need shoreline protection over the life of the development, the project can be found to conform with the hazards policies of the Coastal Act. However, given the dynamic nature of coastal beaches, as well as the Commission's review of data indicating that the property could be impacted by sea level rise at some point in the future, it is important to ensure that the risks of developing on these inland lots are borne by the applicant, not the public at large.

Section 30253 prohibits new development that would require construction of a protective device that would substantially alter natural landforms along bluffs or cliffs. Here, the applicant has not proposed to construct a shoreline protection device and no shoreline protection would be authorized by this permit; however, the applicant or a successor-in-interest could request a shoreline protection device at some point in the future. Although the project site is not a beachfront site, with expected sea level rise and flooding, the area between the project site and ocean waters is expected to narrow with time. Likewise, flooding from the harbor is expected to approach the project site in the future, which in turn raises the question of a possible request for future shoreline protection at the site. Therefore, it must be clear that, as new development, the entire development approved by this permit is not entitled to a shoreline protection device now or in the future. **Special Condition No. 2** is imposed by the Commission to require the applicant to acknowledge that the applicant has no right to a shoreline protective device for the project and that no future shoreline protective device will be allowed on site to protect the proposed development.

Given that coastal hazards may impact the proposed development before the end of its economic life as a result of sea level rise, the Commission must also find that the project assures stability and structural integrity and minimizes “risks to life and property” in an area of high flood hazard without a shoreline protective device. Here, it is important to note that the site is not currently threatened by coastal hazards and has been designed to be stable and structurally sound under current conditions.

However, as discussed, the best available science indicates that sea level rise is occurring and coastal hazards may threaten the project site, and may threaten not only the lower floor but the viability of the restaurant and residential use before the end of the structure's anticipated 75-year economic life. Therefore, **Special Condition No. 2** requires that if any part of the proposed development becomes threatened by coastal hazards in the future, the threatened development must be removed rather than protected in place. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be safe for the life of the development, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

The Commission also finds that due to the possibility of flooding and other coastal hazards, if the applicant chooses to build in this location despite those risks, they should assume the risks of development in a hazardous area as a condition of project approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition No. 3**, will ensure that the applicant is aware of and understands the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the subject development, and will effectuate the necessary assumption of those risks by the applicant.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. For this reason, the Commission imposes **Special Condition No. 4**, which states that any future improvements to the parking area, garage, restaurant, residence, roof deck, or foundation, authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13253(b)(6) shall require an amendment from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. This condition ensures that any future development on this site that may affect shoreline processes receives review under the Coastal Act (or future certified LCP) by the appropriate regulatory body.

The proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act, which requires that risks to life and property be minimized, that stability and

structural integrity are assured, and that proposed new development neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Approval of the project, as conditioned, also is consistent with the Commission's obligation to manage and protect public trust resources.

D. Biological Resources/Water Quality

Section 30230 of the Coastal Act, Marine Resources; maintenance, states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act, Biological productivity, water quality, states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act, Oil and hazardous substance spills, states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind could result in adverse impacts upon the marine environment that could reduce the water quality and biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon to water quality and biological productivity and to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act, conditions must be imposed. Thus, the Commission imposes

Special Condition No. 5, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered, and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible. As conditioned to protect water quality and biological productivity through the implementation of requirements for safe storage of construction materials and safe disposal of construction debris, the project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

Post-Construction Impacts to Water Quality

The proposed project is considered development and there is an opportunity to improve water quality as required by Sections 30230, 30231 and 30232 of the Coastal Act. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize, to the extent feasible within its jurisdiction, the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to address these post-construction water quality impacts and to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act, the applicant has submitted a Preliminary Water Quality Management Plan (PWQMP) that minimizes impacts to water quality the proposed project may have after construction. The WQMP states that post development roof drainage will be collected by roof downspouts and directed into an rain water storage chambers on the property. The storage chamber will be directly connected to a bio clean water polisher system and then pumped out to the street through a curb drain at 18th Street. The remaining site drainage sheet flows and will be collected with area and strip drains and directed into the rain water storage chambers onsite.

Plastic pollution is a persistent and growing problem worldwide that significantly impacts the health of our oceans and coasts. Roughly 8 million metric tons of plastics are estimated to enter the ocean each year, and the United States is one of the top 20 contributors to plastic pollution.³ Plastic has been found in a wide range of marine environments including the seafloor, surface water, the water column, and on beaches and shorelines. California communities are estimated to spend more than \$428 million annually to clean up and control plastic pollution. Plastic never truly degrades into its chemical components; instead it physically breaks down into smaller and smaller pieces. Plastics under 5 millimeters in size are called microplastics, and are found worldwide, even in places considered pristine. Plastics have been found in the digestive tracts of marine organisms ranging from zooplankton to whales, and microplastics have been found in drinking water and food, including shellfish, salt, beer,

³ Ocean Protection Council <https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/>

and honey.⁴ In particular, the use of single-use plastics in food and beverage packaging or serveware make up seven of the top ten items found on Coastal Cleanup Day. Taken together food serveware and food and beverage packaging make up nearly 37% of the items found on the beach; therefore, this makes reducing single-use plastics at restaurants a high priority. Styrofoam or other single-use materials that often are used at restaurants could result in adverse effects to marine wildlife, since these materials can make their way to the ocean, causing fish, seabirds, sea turtles, and marine mammals to become entangled in or ingest plastic debris, causing suffocation, starvation, and drowning. The elimination of non-reusable, non-recyclable, and non-compostable products and the reduction of packaging is an effective way to protect the health of wildlife and the environment.

The proposed project includes a restaurant, which historically is a type of use that uses a large volume of plastics daily. There is an opportunity here with the proposed project to help reduce plastic pollution. Therefore, to ensure that the applicant protects marine resources and water quality, the Commission imposes **Special Condition No. 6**, which requires the applicant to participate in a marine debris reduction program, meet all mandatory criteria of the selected program, and become a fully certified member of the selected program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders.

Landscaping is part of the project and the applicant has provided Landscaping Plans. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed and water-efficient practices should be followed. Native drought tolerant plants help preserve biodiversity and help local wildlife live and thrive. They also require much less watering, fertilizer, and pesticides and thus prevent water run-off and improve air quality. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra-low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

Commission staff has reviewed the submitted landscaping plan and determined that it contains non-invasive and drought tolerant plants. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. Therefore in order to make sure that any onsite landscaping minimizes

⁴ Ocean Protection Council <https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/>

the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition No. 7**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Therefore, as conditioned, biological resources and water quality is protected, consistent with Sections 3020, 30231 and 30232 of the Coastal Act.

E. Deed Restriction

To ensure that any prospective future owner of the property is made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 8**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Coastal Act Violations

Violations of the Coastal Act have occurred on the project site, including but not limited to the demolition of an existing one-story commercial building and clearing of the site without benefit of the necessary coastal development permit. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The applicant has submitted a de minimis waiver fee five times the amount for that associated fee for the unpermitted demolition of the building and clearing of the site.

The proposed project includes the construction of a mixed-use building consisting of a parking area on the ground floor and a restaurant and residential townhome on the second and third floors.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the violations described above. Although development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations).

G. Local Coastal Program (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit must be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. Orange County's LCP for Sunset Beach was effectively certified in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. This annexation terminated the County's LCP permitting jurisdiction for the area. The Sunset Beach annexation area has not yet been incorporated into the City of Huntington Beach certified LCP. Thus, there is not currently an effective certified LCP for Sunset Beach and, therefore, the Chapter 3 policies of the Coastal Act provide the standard of review for coastal development permits in the area. The previously certified Sunset Beach LCP may be used as guidance as appropriate. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Huntington Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Huntington Beach Planning Department determined that the proposed development is categorically exempt on November 16, 2020. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the public access and recreation, hazards, biological resources, and water quality policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

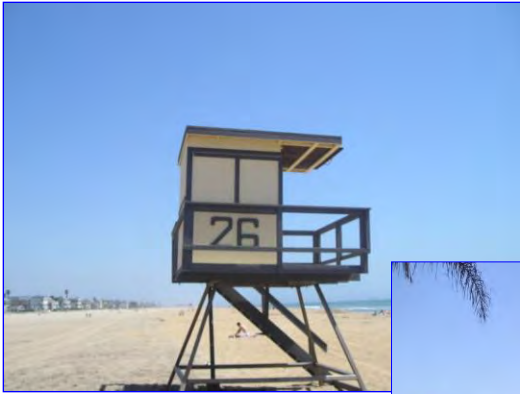
City of Huntington Beach Approval-In-Concept dated November 16, 2020.

City of Huntington Beach CUP No. 20-002

Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated February 11, 2021

Revised Sea Level Rise Hazard Discussion, 16655 Pacific Coast Highway, Sunset Beach, Orange County, California prepared by Geosoils, Inc. dated May 18, 2021

Preliminary Water Quality Management Plan (PWQMP) prepared for Vision Development, LLC by Jones, Cahl & Associates, Inc.



Sunset Beach Specific Plan

City of Huntington Beach

Community Development Department

2000 Main Street

Huntington Beach, California

January 2017

Sunset Beach Specific Plan

**Prepared by:
City of Huntington Beach Community Development Department
2000 Main Street
Huntington Beach, CA 92648**

**Adopted by City Council: October 18, 2010
Amended by City Council: November 16, 2015 and January 17, 2017
Certified by the California Coastal Commission:_____**

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1. Introduction

1.1 Location

Sunset Beach is an approximately 134 acre primarily residential community that stretches 1.2 miles from Seal Beach at the northwest extremity to Bolsa Chica State Beach, with which it is contiguous at the southeast, as shown in Exhibit 1.1, Vicinity Map. It is bordered on the southwest by the Pacific Ocean and on the northeast by the Huntington Harbour and Peter's Landing developments and is in proximity to the Bolsa Chica Wetlands and Sunset Aquatic Park. The entirety of Sunset Beach is located in the Coastal Zone.

From the ocean inland Sunset Beach is formed by six successive strips running the length of the community: the beach, the ocean front residences along South Pacific Avenue, the linear park/public parking facility between South and North Pacific Avenues, the residences along North Pacific and side streets, the mixed residential-commercial buildings on both sides of Pacific Coast Highway, and the residences on Sunset Island and adjacent to Park Avenue (Exhibit 1.2, Aerial Photograph).

1.2 Specific Plan Area Background

Sunset Beach was established as an unincorporated town on September 8, 1904, governed by the County of Orange. Its formal establishment followed construction of the Pacific Electric Railway (PER). The Newport-Balboa line was the first PER line into Orange County and ran down the coast from Long Beach. The line was extended into Huntington Beach via Seal Beach in Summer 1904. Sunset Beach was laid out along the tracks in 1905. An 80 foot wide boulevard was graded running north to south next to the "Red Car" line, the common reference to PER, and became known as Pacific Avenue. The thoroughfare Sunset Drive was renamed Pacific Coast Highway in 1926. Development of Sunset Beach was similar to that of small coastal communities of the time and was punctuated by various events that helped to shape it to its current form, not the least of which was the rail line and the highway. The other notable change for the area was the development of Huntington Harbour in the 1960s, which transformed marsh and slough into residential islands, a marina and commercial area.

Sunset Beach is unique among coastal communities in that 55 percent of its total area, excluding streets, is publicly owned and utilized. Of its almost 134 acres, approximately 74 acres are devoted to public uses, which include the main beach, a combination linear park and public parking facility, Sunset Channel and 11th Street beach. Approximately 31 acres are developed with residential and commercial uses, and 28 acres are right-of-way (streets).

There are 652 residential units in the community developed at a range of densities, with commercial and mixed use developments mostly along Pacific Coast Highway. The community has approximately 1,300 residents. While Sunset Beach is almost built out, remodeling and rebuilding of residential lots occurs on an on-going basis.

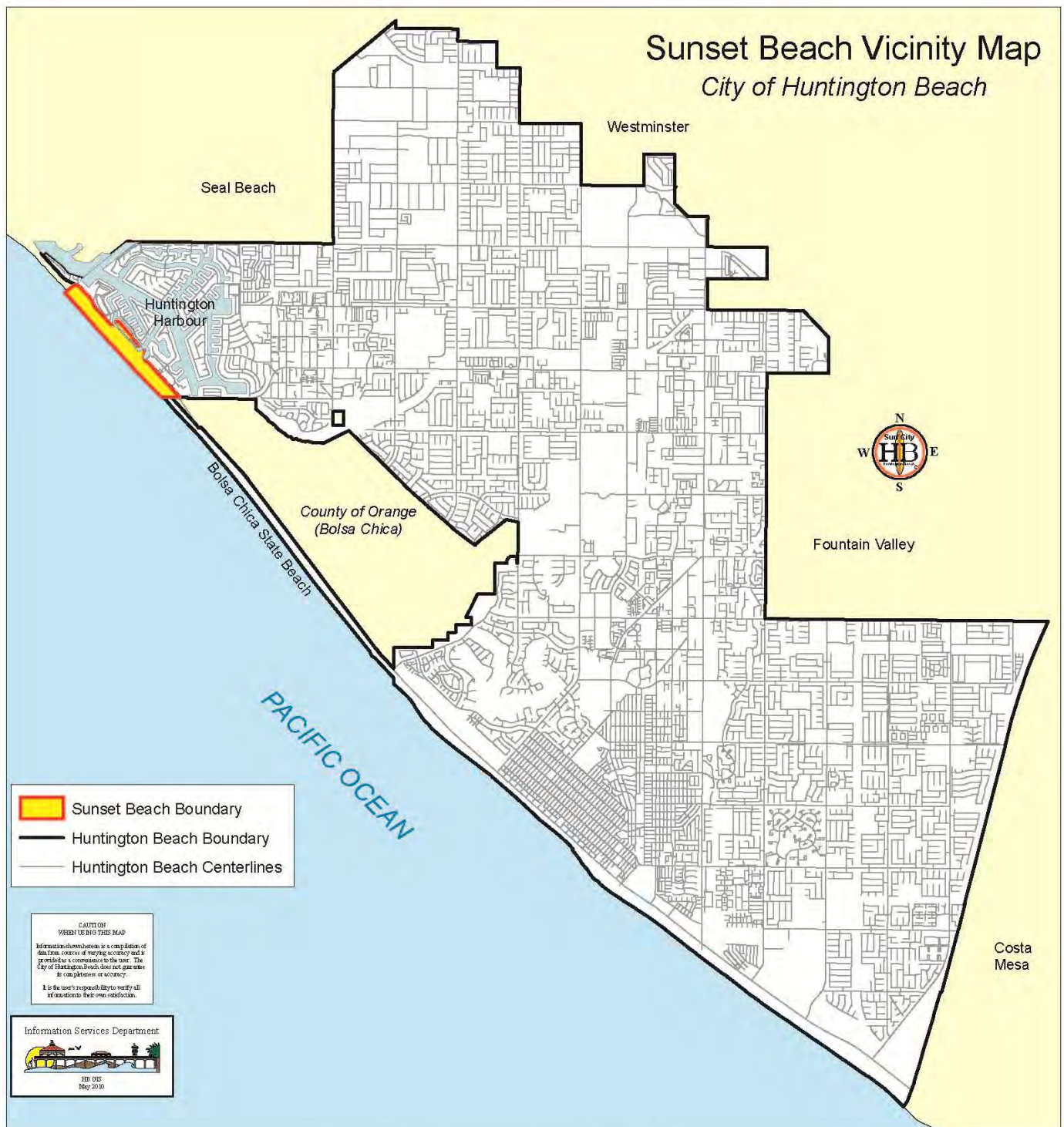


Exhibit 1.1 Vicinity Map



Exhibit 1.2 Aerial Photograph

1.3 Purpose and Intent

This Sunset Beach Specific Plan establishes the development regulations and administrative procedures necessary to achieve orderly and compatible development of the area consistent with the City of Huntington Beach General Plan and Local Coastal Program.

The Specific Plan establishes specific zoning and site development standards for Sunset Beach generally consistent with the County of Orange Sunset Beach Specific Plan, dated September 1990. Sunset Beach was annexed to the City of Huntington Beach on August 22, 2011. After the adoption of the City of Huntington Beach Sunset Beach Specific Plan is effective, the City of Huntington Beach Sunset Beach Specific Plan will supersede the County of Orange Sunset Beach Specific Plan as the effective zoning regulations for the approximately 134 acre Sunset Beach area.¹

The intent of the Sunset Beach Specific Plan is to provide clear and comprehensive descriptions of land use, circulation, infrastructure and site development standards. The Specific Plan is regulatory in nature and serves as zoning for the Sunset Beach area, see Exhibit 1.3, Zoning Map. The Specific Plan also serves as the implementation plan for the Huntington Beach Local Coastal Program. Development plans and other entitlement requests for the Specific Plan area must be consistent with this Specific Plan and the Huntington Beach General Plan and Local Coastal Program.

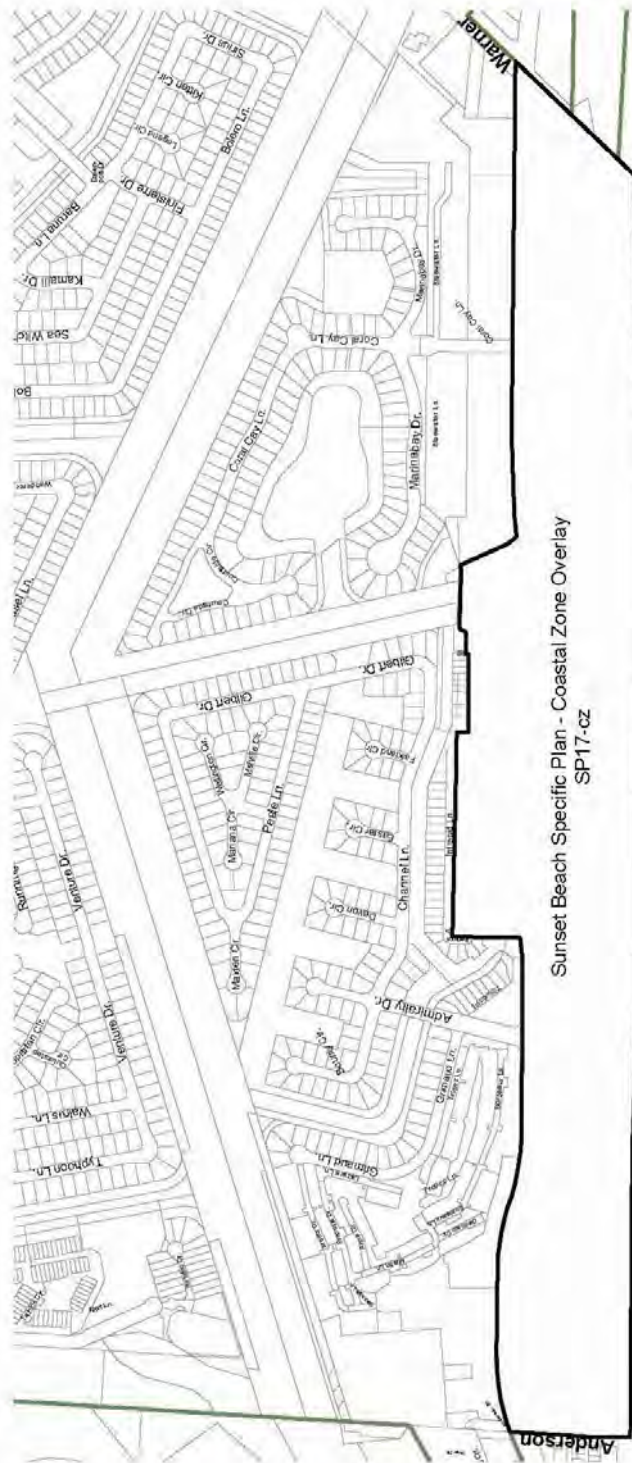
1.4 Authority and Scope

The authority to prepare, adopt and implement Specific Plans is granted to the City of Huntington Beach by the California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457).

The Specific Plan will be used by the City of Huntington Beach to implement the Huntington Beach General Plan and Local Coastal Program for the Sunset Beach area. The Specific Plan contains all applicable land use regulations and will thus constitute the zoning for the Sunset Beach area. The Development Standards contained in this Specific Plan will take precedence over all other provisions of the Huntington Beach Zoning and Subdivision Ordinance, unless otherwise noted.

Local planning agencies or their legislative bodies may designate areas within their jurisdictions as ones for which a Specific Plan is “necessary or convenient” (Government Code Section 65451). A Specific Plan may either be adopted by ordinance or resolution (Government Code Section 65507). Adoption of the Sunset Beach Specific Plan shall be consistent with the provisions of the Huntington Beach Zoning and Subdivision Ordinance, Chapter 215.

¹ The County of Orange Sunset Beach Specific Plan lists the acreage for the Specific Plan area as 115 total acres, 30 acres of which are the main beach. With the benefit of geographic information systems, and based on current information from the County of Orange and a legal description, the total acreage is now estimated at almost 134, approximately 58 of which are the main beach.



Sunset Beach Specific Plan - Coastal Zone Overlay
SP17-cz



- LEGEND**
- Parcels
 - Huntington Beach Boundary
 - Specific Plan Boundary



Exhibit 1.3 Zoning Map

1.5 Previous County of Orange Approvals for Sunset Beach

On March 9, 1982, the Orange County Board of Supervisors adopted Resolution No. 82-349, authorizing preparation of a Specific Plan for Sunset Beach. The Land Use Plan, including Development Guidelines, was approved by the Board of Supervisors on May 6, 1981, as an amendment to the Orange County General Plan. The purpose of the County Sunset Beach Specific Plan (SBSP/LCP) was to tie together the Land Use Plan and Implementing Actions Program of the County's Local Coastal Program.

In January, 1986, the Board of Supervisors directed the Environmental Management Agency (EMA) to prepare an amendment to the SBSP/LCP. Amendment 90-1 to the SBSP/LCP was approved by the Board of the Supervisors by Resolution No. 90-1244 and Ordinance No. 3798 on September 26, 1990.

The Sunset Beach area remained an unincorporated "island" while the cities of Seal Beach and Huntington Beach incorporated and annexed adjoining areas. In 2009, the Orange County Local Agency Formation Commission (LAFCO) placed the unincorporated Sunset Beach area in the City of Huntington Beach's Sphere of Influence, facilitating the annexation of Sunset Beach to the City of Huntington Beach.

This proposed City of Huntington Beach Sunset Beach Specific Plan is intended to comply with State law requiring the City to adopt zoning regulations for property ("pre-zone") before annexation is approved by LAFCO.

1.6 Previous California Coastal Commission Approvals for Sunset Beach

The California Coastal Commission originally certified the SBSP/LCP on October 27, 1983. Subsequently, the Commission certified the amended SBSP/LCP on July, 17, 1991.

The Commission retains original permit jurisdiction over development seaward of the mean high tide line. Therefore, it has permitting authority for improvements in/above the ocean and waterway and has issued such coastal development permits in Sunset Beach.

This City of Huntington Beach Sunset Beach Specific Plan must be approved by the California Coastal Commission in order to become effective.

1.7 Consistency with California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study has been prepared as part of the Specific Plan approval process. The Initial Study will serve as the basis on which the environmental effects of implementation of the Specific Plan can be ascertained. The Initial Study indicated that a Negative Declaration is the appropriate CEQA compliance tool, and has been prepared as part of this Specific Plan process.

All subsequent approvals necessary to develop any property within the Specific Plan area must be consistent with the Specific Plan and within the scope of the Negative Declaration.

Additional environmental documentation may be required in the future if new significant development is proposed or if significant changes are found to have occurred pursuant to Section 15162 and 15182 of the CEQA Guidelines.

2. Land Use Plan

The goal of the Land Use Plan is to maintain and enhance the special character of Sunset Beach. The Land Use Plan establishes and designates areas of residential and commercial development that will not impair coastal resources or public access to the coast consistent with the previous County Specific Plan. It identifies the beach, waterway and public parking facilities and policies to preserve them. Preservation of the unique character of Sunset Beach is the fundamental goal from which the Land Use Policies are derived.

2.1 Existing Conditions

Sunset Beach is characterized by the unique and valuable commodity of its sandy beach and ocean shoreline. It is also surrounded on its inland side by a system of waterway canals in the Huntington Harbour development. The majority of the Sunset Beach area is designated for public or community use, the largest component of which is the oceanfront beach. The beach is bounded on the south by Warner Avenue and on the north by Anderson Street, a distance of 6,300 feet. Access to the shoreline is at 27 street-end locations through the residential areas, 35 feet in width, located every 200 feet along the beach frontage. The only recreation facilities on the beach are volleyball nets. Approximately 1,500 feet of the beach is open for surfing. Lifeguard service is provided on a seasonal basis. Outdoor games, swimming, surfing and fishing constitute the major activities at this beach.

The area also benefits from a 13 acre linear park/public parking facility, constructed by the County of Orange in the old Pacific-Electric right-of-way, with picnic areas, a tot lot, five restroom buildings, pathways, and 624 parking spaces. This area is also referred to as the “greenbelt.” Other notable public uses include the Sunset Channel, 11th Street beach, a post office and a volunteer fire station. The Sunset Beach Community Association also owns and operates a community center, which functions as a quasi-public use.

There are no public boat launch sites in Sunset Channel with the exception that nontrailerable boats that can be hand-carried may be launched at the 11th Street Beach and at the sandy area opposite 17th Street. There are no publicly maintained boating facilities within the Sunset Beach area. However, private docks are available in Sunset Channel adjacent to commercial and residential properties subject to the permit process.

Private land uses in Sunset Beach are residential and commercial. The residential uses consist of 652 single and multiple family type dwelling units, on typically 2,700 square foot lots, which are well mixed throughout both residential and commercial areas. Densities range from approximately 22 to 45 units per acre. There are approximately 70 commercial establishments. Existing commercial uses range from neighborhood convenience facilities such as markets, to more area-wide facilities such as motels, restaurants, and specialty shops that generally front on Pacific Coast Highway. Because of the compact size and special nature of the Sunset Beach community and the limited area for commercial uses, the convenience facilities and goods provided serve the visitors and tourists as well as local residents.

The Sunset Beach area consists of 497 parcels, the beach, and right-of-way. All but four of these parcels are fully developed or used in substantial part by an adjacent parcel for yard area, parking or accessory structures. Of the four parcels, three are vacant and one parcel is occupied by a billboard. The existing residential and commercial areas are 99 percent developed.

Sunset Beach exhibits generally low relief with elevations ranging from sea level to five feet above sea level. Much of the area northwest of Pacific Coastal Highway was once a marsh and slough and was dredged and redeveloped to establish part of Sunset Island and Huntington Harbour in the 1960s. The development of these communities destroyed the marsh-slough habitat. The developed area of Sunset Beach does not provide a suitable habitat for wildlife or native vegetation because of its highly urbanized character, although certain avifauna may forage on the beach.

Along the sandy beaches of the Specific Plan area, plankton, organic detritus, and debris form a primary food source for many of the macroscopic (i.e., large enough to be observed by the naked eye) species of marine animals, such as beach hoppers, sand crabs, and various species of clams. Also, microfauna could possibly be a food source for invertebrate macroscopic filter feeders. Filter and deposit feeders provide a food source for many fish species such as barred surfperch and California corbina, and also for numerous shore birds such as willets, whimbrels, dowitchers, plovers, and gulls. In turn, many of the vertebrates, especially the fishes, provide a food source for larger carnivorous vertebrates such as other fishes and mammals.

Many invertebrate species are subject to cycles of abundance and rarity on any segment of sandy beach shoreline. The fish species present are frequently taken by in-shore anglers but are not exclusively confined to the shallow water of the open coast sandy beaches; they can also be found in deeper waters, or in bays and harbors, depending on such factors as migratory habits, spawning habits, weather conditions, wave conditions, and currents. Pismo clams are known to exist all along the intertidal and subtidal zones of the sandy beach shorelines from Anaheim Bay Harbor to the entrance to Newport Harbor, although they are not known to historically be present along Sunset Beach.

The open coast sandy beach in the Specific Plan area and vicinity are spawning habitat for the grunion. Other fish species such as the barred surfperch and California corbina are found in the surf zone feeding primarily upon sand crabs. Common sandy beach organisms such as sand crab, bean clam, and polychaetes are known to exist intertidally and subtidally along the Surfside-Sunset Beach shoreline in spite of periodic beach deposition (sand replenishment) operations.

Existing conditions on the oceanfront beach include a manmade berm (also referred to as an artificial dune), constructed by the County of Orange in 1983, in response to the January 1983 storm that caused severe flooding in Sunset Beach. The berm was planted with ice plant to minimize windblown sand. Previous County reports indicated that ice plant was naturalized vegetation that had grown on the beach since 1900. The berm has increased in height over the years as sand is blown inland. In addition to flood protection, which is discussed in Section 2.4,

the berm serves as a barrier to sand being blown from the beach onto the streets and provides a consistent sand feature that beachgoers see when looking inland.

2.2 Land Use

The Sunset Beach Land Use Plan is intended to implement the goals of the City of Huntington Beach General Plan and Local Coastal Program. Broadly stated, the goals for the area are to:

- Maintain and enhance the special character of Sunset Beach.
- Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

More specifically, the City of Huntington Beach Sunset Beach Land Use Plan proposes to carry forward the land use designations previously approved by the County of Orange and California Coastal Commission. However, for consistency with the City's General Plan, some of the designations are different in name, though the types of permitted uses are similar. These uses will also be governed by the more specific regulations of this Specific Plan, as set forth in Section 3. The Sunset Beach Land Use Plan is illustrated in Exhibit 2.1. The Plan designates the 134 acre Specific Plan area as follows:

<u>Land Use Designation</u>	<u>Acres</u>
Residential High Density-30	22.32
Commercial Visitor-Mixed Use Overlay	9.16
Public	13.00
Open Space-Shoreline	57.74
Open Space-Water Recreation	3.40
Right of Way	28.26
Total	133.88

The Residential High Density designation has a General Plan/Local Coastal Program density category of greater than 30 units per net acre, denoted by “-30” to reflect the existing density condition of some parts of Sunset Beach. The Commercial Visitor designation has a Mixed Use (“-mu”) Overlay, which permits residential uses in conjunction with the underlying commercial designation. This is in recognition that the Specific Plan allows for residential units above the ground floor in the CV area.² In addition to the underlying land use designations, and the notations for RH and CV described above, the entire area has a Specific Plan Overlay (“-sp”) designation in recognition of the need and existence of a specific plan for the Sunset Beach area.

The City of Huntington Beach General Plan and Local Coastal Program also use Subarea designations to identify areas that are unique in the city, serve certain functions or have area-specific goals or regulations. The Sunset Beach Specific Plan area will be designated as Subarea 4L on the City’s Community District and Subarea Schedule in the General Plan and Local Coastal Program. Those Subarea Schedules refer the reader to this Specific Plan for development regulations.

² The County’s existing Specific Plan allows residential uses above the ground floor in the Commercial Visitor (Sunset Beach Tourist District) area. A 2010 review of existing development in Sunset Beach indicates that there are approximately 55 residential units in the areas designated for principally commercial uses.



LEGEND

- | | | |
|-------|--|---------------------------|
| RH-30 | Residential High Density | Parcels |
| CV-mw | Commercial Visitor - Mixed Use Overlay | Right Of Way |
| P | Public | Huntington Beach Boundary |
| OS-S | Open Space - Shoreline | Sunset Beach Boundary |
| OS-W | Open Space - Water Recreation | |
| -sp | Specific Plan Overlay | |
- This designation applies to all Land Uses for this area.



Exhibit 2.1 Land Use Plan

Land Use Plan Guidelines

The City's General Plan and Local Coastal Program contain numerous goals, objectives and policies that further and are consistent with the overall goals for the Sunset Beach area. However, due to the unique nature of Sunset Beach and the fact that it is already almost fully developed at the time that this Specific Plan is being created, previous Land Use Plan Guidelines contained in the original County of Orange Sunset Beach Specific Plan are being carried forward to the extent that they are still relevant.

The Land Use Plan Guidelines below are designed to: implement the Land Use Plan, specifically; carry out the intent of the General Plan and Coastal Act consistent with the desires of the community; and be a supplement to the City's General Plan and Local Coastal Program, which also contain relevant policies. The Guidelines consist of the Land Use Map (see Exhibit 2.1) and the following text:

Beach and Sand Area

2.2.1 Existing beach and sand areas shall be maintained:

- i. to preserve the unique public recreational character of Sunset Beach; recreation shall be defined as passive and active recreation that is in conformance with the development guidelines of the Sunset Beach Land Use Plan.
- ii. in cooperation with the State Department of Fish and Wildlife, to protect and preserve the natural habitat of spawning grunion, pismo clam and other shellfish beds, porpoise feeding and sporting grounds, feeding grounds for the California brown pelican, grebes, cormorants, terns, gulls and all other natural sea life and waterfowl.
- iii. to protect beachfront residences and maintain both public and private open ocean view and access.

2.2.2 The following shall be adhered to to maintain the existing beach and sand areas:

- i. The City shall encourage dredging and sand replenishment activities be scheduled during fall and winter months to reduce conflict with sunning, swimming and other shoreline water activities, as well as grunion spawning.
- ii. The City shall cooperate with the United States Army Corps of Engineers (USACOE) and other applicable agencies regarding all sand replenishment activities.
- iii. The City will continue to advocate to the USACOE that sand replenishment shall be deposited at the northwest end of the beach (in Seal Beach) in the area contiguous to the U.S. Navy Ammunition & Net Depot harbor groin, the point of primary and maximum erosion. From that point sand is distributed southeastward down the beach by natural wave and current action. This avoids the destruction of natural marine life habitat. At the same time it preserves the recreational character of the beach and the fine grain and cleanliness characteristic of alluvial ocean

sands. Sand shall not be pumped directly on the beach within Sunset Beach except in response to immediate danger to residences.

- iv. No government or private agency shall construct or cause to be constructed any structure including but not limited to jetties, groins, berms, etc., that may alter natural shoreline processes such as wave action, channel depths or general beach configuration except when such protective structures are required for existing structures or public beaches in danger of erosion.
 - v. If necessary, a seasonal, temporary berm may be constructed during storm season to minimize erosion and flooding impacts.
 - vi. If a protective structure is deemed necessary to protect existing development, site and design of such protective device shall be as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc. No shoreline protective device shall be allowed for the sole purpose of protecting an accessory structure.
 - vii. No development shall be permitted that would result in permanent loss of sandy beach area.
 - viii. To fulfill visitor serving needs, to minimize personal injuries and to reduce liability, sanitation shall be maintained by properly and routinely cleaning and maintaining the beach and sand area from ocean edge to the berm (artificial dune) pursuant to a Beach Management Program. The protective growth barrier shall be maintained by adjacent property owners.
- 2.2.3 To protect residences and the Sunset Beach sanitary system from flood waters and excess wind-driven sand, to preserve that sand in the beach area thereby reducing replenishment costs, and to enhance the appearance for the benefit of visitors, preservation and maintenance of the artificial dune shall be retained and encouraged.
- 2.2.4 Scenic vistas shall be maintained, see Exhibit 2.2., Scenic Vista Viewpoints.
- 2.2.5 Public access to the beach shall be maintained.
- i. The 27 existing public access points to the beach shall be retained in perpetuity, see Exhibit 2.3, Existing Beach Access.
 - ii. Public recreation and access opportunities at public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource.
 - iii. All beach amenities available to the general public on the City's public beaches shall be available to all members of the general public on an equal basis.
 - iv. Public beaches and parks shall maintain lower-cost user fees and maximize hours of use to the extent feasible, in order to maximize public access and recreation

opportunities. Limitations on time of use or increases in user fees or parking fees shall be subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.

- v. Signs denoting the Public Beach shall be maintained at the signalized intersections of Anderson Street, Broadway Avenue and Warner Avenue along Pacific Coast Highway. Signs shall not exceed four square feet.
- vi. Signs that limit public access or recreation are not permitted except in instances where such signage is necessary to implement restriction to protect public safety where no other feasible alternative exists to provide public safety, and shall be reviewed in conjunction with the coastal development permit for said restrictions.

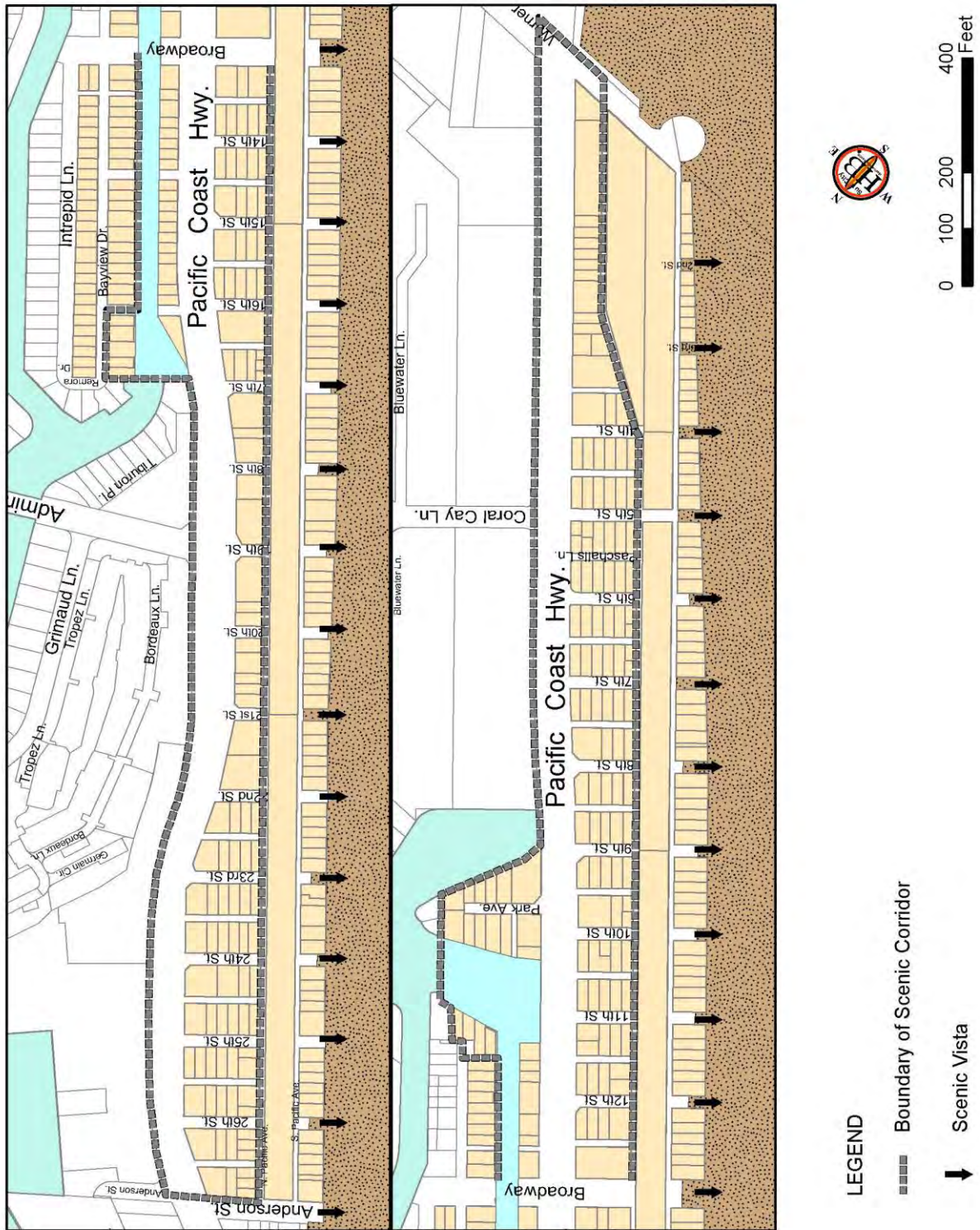
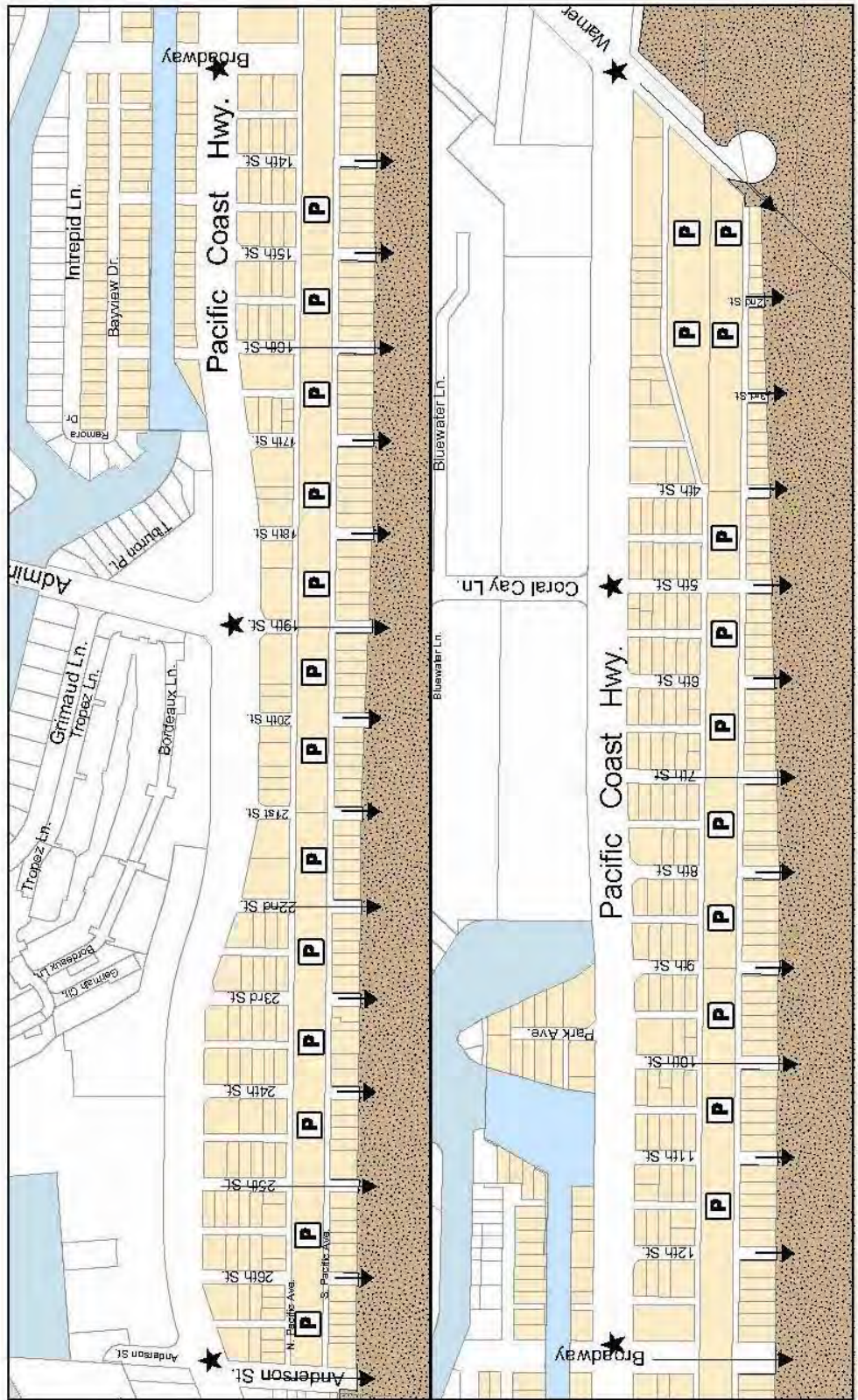


Exhibit 2.2 Scenic Vista Viewpoints



LEGEND

- ↓ Access Points
- ★ Traffic Signal
- [P] Public Parking



Exhibit 2.3 Existing Beach Access

Inland Waterways

- 2.2.6 Inland Waterways shall be publicly accessible and maintained in a manner that is sensitive to the natural environment.
- i. For greater use by the general public, all channels and public waterways shown in Exhibit 3.2 shall be maintained as public waterways. Location of bulkhead lines and encroachment areas shall be established and no structures shall extend beyond the bulkhead line except for ramps (gangways) and docks.
 - ii. Every effort shall be made to protect and preserve existing natural sea life and waterfowl, and to maintain “clean” water.
 - iii. To meet visitor-serving needs, the 11th Street public beach and sandy area opposite 17 Street at Pacific Coast Highway shall be retained in its present general configuration, or if reconfigured, shall provide equivalent recreational opportunities and shall be properly maintained.

Visitor Serving Commercial

- 2.2.7 Existing commercial facilities should be retained.
- 2.2.8 Should any existing residence presently on property designated for commercial use be destroyed, such may be rebuilt as a residence providing it conforms to the provisions of the residential guidelines.
- 2.2.9 Where commercial uses abut residential property, no balconies, decks or open areas intended for public use shall be allowed to infringe on adjacent residential property.
- 2.2.10 Ensure that lower cost hotels and motels are maintained for short-term visitor occupancy. Establish a method to define whether a facility providing overnight accommodation is low, moderate, or high cost.
- 2.2.11 Maintain an inventory of the number of existing motel and hotel rooms and room rates.

Residential

- 2.2.12 All legally created residential building sites shall be permitted only two dwelling units per site, unless approved otherwise prior to adoption of this Specific Plan.
- 2.2.13 Affordable housing shall be provided consistent with the City of Huntington Beach Zoning and Subdivision. Low/moderate cost rental units should be replaced when redevelopment occurs.
- 2.2.14 Conversion of multi-unit buildings into condominiums shall be allowed only if the building meets the Specific Plan standards.
- 2.2.15 Public service facilities shall be a permitted use in a residential use area.
- 2.2.16 Short-term vacation rentals consistent with the Specific Plan and compatible with the community are supported to encourage lower cost overnight accommodations.

2.3 Circulation

Regional Transportation

A network of freeways and arterial highways provide regional access for Sunset Beach. The major arterial regional facilities serving the community are Pacific Coast Highway and the San Diego Freeway. Arterial highways link these two facilities to each other and to Sunset Beach.

Several arterial highways connect Pacific Coast Highway with inland areas and the San Diego Freeway. Seal Beach Boulevard and Warner Avenue are both designated as major arterial (six lane, divided) highways and provide connections with Pacific Coast Highway at points north and south, respectively, of Sunset Beach.

The arterial highway network serves both the motorist and the public transit rider. Countywide and regional access via transit is designed primarily by the Orange County Transportation Authority (OCTA), which operates an extensive system of fixed routes and dial-a-ride service throughout Orange County. OCTA's service to the Sunset Beach area is quite extensive. OCTA route #1 utilizes Pacific Coast Highway between Long Beach/Seal Beach and San Clemente, providing north-south service to Sunset Beach. Three other OCTA routes terminate at Pacific Coast Highway and Warner Avenue at the southern end of Sunset Beach; they provide direct service to the beach from inland Orange County areas.

The Pacific Coast Bikeway follows Pacific Coast Highway and serves as a major north-south route within Orange County and the only bikeway adjacent and parallel to the coastline. Bikeways connecting to Pacific Coast Highway generally follow arterial highways. Seal Beach Boulevard and Warner Avenue both include bikeways. All of the above bikeways are included in the Master Plan of County-wide Bikeways.

Sunset Beach Transportation

Most of the traffic utilizing Pacific Coast Highway in the vicinity of Sunset Beach is either passing through the area or destined to development adjacent to the community. The approximately 652 dwelling units and various commercial enterprises within Sunset Beach generate a relatively small portion of the trips using the Highway. For most of its length in the vicinity of Sunset Beach, Pacific Coast Highway is a four lane facility with painted median. Some additional development and redevelopment within Sunset Beach may occur, but the impact of this upon the arterial highway system should be minimal. However, increased development in the areas surrounding Sunset Beach and growing demand for access to coastal resources could further impact Pacific Coast Highway and the arterials leading to it.

Because of the constraints inherent in acquiring additional right-of-way for Pacific Coast Highway both within and outside of Sunset Beach, it may be impractical to provide additional travel lanes. Better utilization of the existing right-of-way is a more realistic possibility. As new development and redevelopment occurs, improvements can be made that provide for safe and convenient use of the Highway by pedestrians, bicyclists, and transit vehicles. Also, any new commercial development will have to provide off-street parking and be designed to minimize the number of direct access points to Pacific Coast Highway. An integrated traffic signal system within Sunset Beach can facilitate the flow of traffic. Expanded transit service along Pacific Coast Highway and through the area, to be provided as demand warrants and as financial resources become available, should encourage additional transit use and might somewhat reduce traffic along Pacific Coast Highway. Pacific Coast Highway is operated and maintained by the State Department of Transportation (CalTrans). Thus, any improvement to the Highway is subject to their approval.

Local circulation within the Sunset Beach community is tied to parking opportunities and traffic control. Traffic patterns seaward of Pacific Coast Highway revolve around the parking facility located between North and South Pacific Avenues. Traffic movements on other streets are limited by narrow right-of-way and heavy on-street parking.

Although there are adequate parking spaces available to meet public, commercial, and residential parking demand, the distribution of available parking negatively affects the supply-demand balance, which causes deficiencies to occur in certain areas. To alleviate the problem, existing parking opportunities need to be retained within the community and maximized wherever possible. Adequate off-street parking will be required in conjunction with all new development or redevelopment of properties. Specific policies and guidelines relating to parking are included in this Specific Plan. Increased transit service and bicycling opportunities should provide access to beach uses without requiring such additional parking.

Local circulation and traffic safety will be enhanced by appropriate speed limits. It is expected that the existing 15 miles per hour speed limit on all Sunset Beach Streets, except Pacific Coast Highway, will be retained; however, speed limits must be periodically reviewed to be enforceable. Circulation and safety will also be enhanced by retention of the parking restrictions on North and South Pacific Avenues. Also, conversion of Bay View Drive to one-way operations will be evaluated as a means to improve circulation inland of Pacific Coast Highway.

Based on the foregoing, the following circulation policies shall be adhered to:

Transportation/Circulation

- 2.3.1 Speed limits shall be periodically reviewed and vigorously enforced on all local streets within Sunset Beach.
- 2.3.2 The City shall work with CalTrans to maintain and/or improve signal timing on Pacific Coast Highway.
- 2.3.3 The feasibility of converting local streets to one-way circulation shall be evaluated.
- 2.3.4 Required street and highway dedication and improvements normally required per the City Code are not applicable to the Sunset Beach Specific Plan area except for those properties abutting Pacific Coast Highway. However, street dedication for 4th through 26th Streets shall conform to the Typical Section for those streets, as shown in Exhibit 2.4, Typical Section.
- 2.3.5 Pacific Coast Highway is designated a “scenic highway.” To ensure that those scenic characteristics are enhanced, public and private projects shall, wherever feasible, provide landscaping wherever there is adequate space.
- 2.3.6 Non-automobile circulation shall be preserved and enhanced where feasible. This shall include consideration of improvement for pedestrians and bicyclists, as well as transit along Pacific Coast Highway.

Parking

- 2.3.7 To the maximum extent feasible, to maximize visitor servicing needs and ensure public safety, the City shall encourage CalTrans to stripe Pacific Coast Highway to provide a safe width for parallel parking.
- 2.3.8 All existing on-street parking shall be retained within Sunset Beach and wherever possible establish programs to maximize their use, except when public safety is compromised.
- 2.3.9 There shall be no parking on North and South Pacific Avenues, except in front of driveways by permit only.
- 2.3.10 In order to facilitate visitor serving needs, diagonal parking shall be allowed on Anderson Street and Broadway Avenue.
- 2.3.11 All street ends, except for emergency access, opening onto the beach shall be fully developed for public parking prior to any other public parking development.
- 2.3.12 Street ends on the inland side of Pacific Coast Highway will be evaluated for opportunities to develop public parking.
- 2.3.13 Innovative programs to maintain the existing parking supply in residential areas and to provide flexibility for commercial uses shall be encouraged.
- 2.3.14 Signage and parking control to manage parking supply shall be implemented.

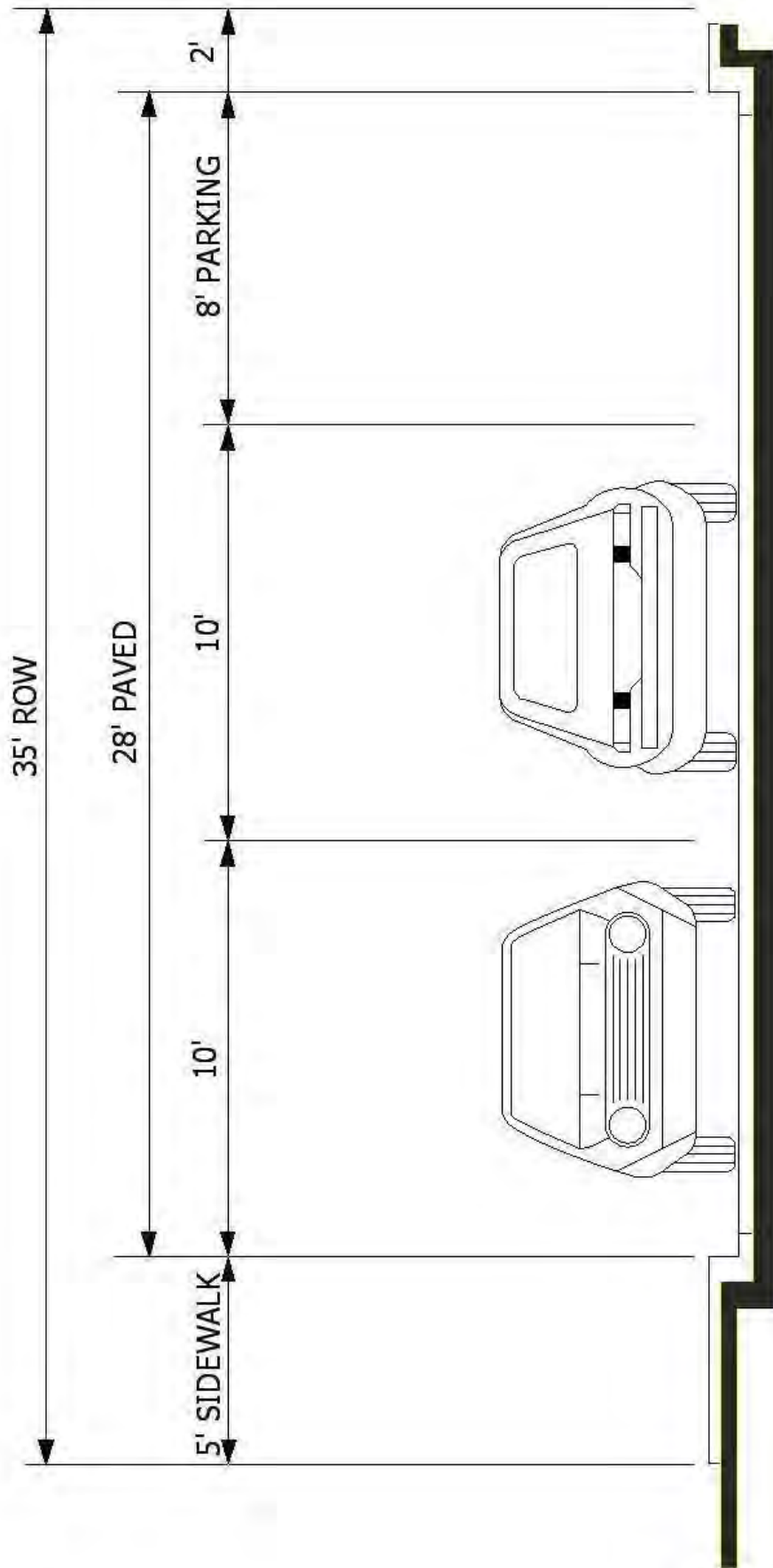


Exhibit 2.4 Typical Section

2.4 Shoreline Management, Flooding, and Sea Level Rise

Shoreline Management

Sunset Beach is part of the Huntington Beach Littoral Cell, which extends 15 miles from the east jetty of Anaheim Bay to the west jetty of Newport Bay. The City of Seal Beach built a groin at the north entrance to Anaheim Bay to combat beach erosion in 1936. In 1944, the Department of the Navy extended the groin to form the upcoast entrance jetty of Anaheim Bay. Erosion of the shoreline in the Sunset Beach area has been relatively continuous since then as ocean current drives sediment generally to the southeast.

In the 1940s, 1,422,000 cubic yards of sand replenishment material were placed on the beach in Seal Beach for the purpose of addressing the beach erosion. Due to a local appeal to the U.S. Congress to address the erosion caused by the federal structures and a recommendation by the U.S. Army Corps of Engineers, in 1962 the U.S. Congress approved House Document 602 that allows for federal appropriation for beach nourishment to occur, although each nourishment project is a separate Congressional appropriation. This action also established a roughly 67%/33% split between the federal government and non-federal entities to pay for the beach nourishment. The non-federal entities are the State of California, County of Orange, City of Huntington Beach, City of Newport Beach, City of Seal Beach and the Surfside Colony Homeowners Association.

Since the Congressional action, the U.S. Army Corps of Engineers, which is the federal sponsor and manages the contractors for the beach nourishment projects, has completed a sand deposition project (Surfside-Sunset Beach nourishment project) for the area approximately every five to seven years. The draft Orange County Coastal Regional Sediment Management Plan states that these projects have provided substantial increases in beach width over time for the entire Huntington Beach Littoral Cell. The Plan identifies the Surfside-Sunset Beach location as a “high” need receiver site and notes the benefits associated with periodic sand replenishment. These benefits extend beyond recreational opportunities for the immediate Surfside and Sunset Beach areas. The Plan states that the downcoast benefits for recreation at Huntington City Beach and Huntington State Beach are substantial, and that maintaining a wide beach can reduce storm damage.³ The draft Orange County Coastal Regional Sediment Management Plan recommends continued support for the Surfside-Sunset Beach nourishment project, and Land Use Plan Guidelines 2.2.2.ii and 2.2.2.iii of this Specific Plan echo this support.

Flooding

The Federal Emergency Management Agency (FEMA) currently designates all of the developed area of Sunset Beach and a majority of the beach as Flood Zone X, which are areas of 500 year flood and areas of 100 year flood with average depths of less than one foot of flooding and

³ Draft Orange County Coastal Regional Sediment Management Plan, April 2012, prepared for U.S. Army Corps of Engineers, County of Orange and California Coastal Sediment Management Workgroup.

areas protected by levees from 100 year flood. A small portion of the beach at the ocean edge is designated Flood Zone VE, areas of Coastal flood with velocity hazard.

Despite the Flood Zone X designation, flood damage in Sunset Beach can occur at times of abnormally high tides. A January 1983 storm caused severe flooding across the beach that affected homes along South Pacific Avenue as well as flooding onto Pacific Coast Highway and all of the property in between. In response, the County of Orange constructed a berm (also referred to as the artificial dune), which still exists today. The berm was constructed approximately 40 feet from the rear property lines along South Pacific Avenue, which maximizes having a large expanse of uninterrupted beach area while still achieving the objective of flood protection. Since the berm was installed there has been no flooding as a result of storm surge or high tides from the ocean side of the beach.

As a follow-up action to the storm, the County of Orange completed a Coastal Flood Plain Development Study, in 1985, to analyze safety measures for structures along the coast. Design guidelines for residential development along the coast were established in Chapter Four of the Coastal Flood Plain Development Study. These guidelines were based on the assumption that the beach will be artificially maintained with a width of at least 150 feet from the ocean-facing private property line. The Study concluded that should the beach retreat to less width, the possibility of storm erosion and breaking wave activity at the structures may occur and flood protection as regulated by the design guidelines will not provide protection from wave impact forces. Revised design guidelines must then be modified to reflect the circumstances.

In 1990, the County designated the homes seaward of South Pacific Avenue as being in a –FP3 district, subject to flood hazard. The Coastal Flood Plain Development Study required that any new structure in this area be raised to a specific height above a point on South Pacific Avenue. In addition to providing protection against flood damage, the requirement to build on piling along South Pacific Avenue provided a safety margin should conditions at Sunset Beach return to the way they were in the 1930s when homes were vulnerable to attack by waves. Homes on shallow footings can be rapidly damaged or destroyed if their sand support is lost to erosion.

In 2016, it was determined that to be consistent with FEMA, the current FEMA flood insurance rate map will be used as the basis for floodplain management in Sunset Beach rather than the 1985 County of Orange Coastal Flood Plain Development Study.

Although the berm/artificial dune that the County constructed has been very effective, approximately 12 to 15 years ago the County of Orange implemented another maintenance activity to construct a temporary, seasonal berm, referred to as the seawardmost berm or the seasonal berm on Sunset Beach. This was in response to flooding that occurred down Anderson Street and onto Pacific Coast Highway and the surrounding area. The flooding resulted from water that came up against a seasonal berm in front of the Surfside Colony development immediately to the north in the City of Seal Beach being funneled into the Sunset Beach community streets. (The Surfside Colony berm has been constructed on a seasonal basis for approximately 30 years.)

The Sunset Beach seawardmost berm is a non-structural management tool used on a seasonal basis to help minimize the risk of coastal flooding. Even with the recurring sand replenishment project, there are times when the beach has narrowed due to storm activity and the seawardmost berm reduces the risk of flooding associated with that as well as eliminates the previous reason that the flooding down Anderson Street originally occurred.

Under management by the County of Orange, the width of the beach was evaluated before every storm season. If the width of the beach was less than 250 feet, the County constructed the berm. Typically after a beach nourishment project was completed, the seawardmost berm was not needed. Conversely, in an El Nino year, the berm would be reconstructed regardless of the width of the beach. The County's former and the City's current practice is to reconstruct the berm between mid-November and December 1st and take it down after the storm season in mid-to late March, depending on the storm season and tides.

The publicly owned Sunset Channel has been privately bulkheaded and the streets and alleys, where they abut the channel, were bulkheaded by the County. There are a couple of areas that are not bulkheaded, e.g. undeveloped property at terminus of Park Avenue and two properties on Bayview Drive (16862 and 16864 Bayview Drive), that result in flooding of local streets during high tides.

With the combination of shoreline management and flood protection maintenance activities, flood threat to the entire Sunset Beach community and Pacific Coast Highway has been significantly minimized. However, inland flooding does occur due to the lack of bulkheads in some areas. Based on the foregoing, the following shoreline management and flooding policies, coupled with those identified in the Land Use Plan section, shall be adhered to:

Shoreline Management

- 2.4.1 The City shall prepare a Shoreline Management (Beach Management) Plan for Sunset Beach, which shall take into consideration beach nourishment, beach erosion, storm season, beach habitat and grunion spawning season and recreational use of the beach.

Flooding

- 2.4.2 New development shall be required to comply with flood plain regulations and the current FEMA flood insurance rate map, as required by Section 3.3.8 of this Specific Plan.

Sea Level Rise (SLR)

The potential impacts of SLR are within the planning and regulatory responsibilities of the Coastal Commission and the City under the Coastal Act. The City is in the process of completing a comprehensive update to its General Plan. This effort includes the preparation of a citywide SLR Vulnerability Assessment and Coastal Resiliency Plan. The SLR Vulnerability Assessment will guide the strategies (policies and implementation actions) that the City could ultimately adopt.

The City is proposing to address SLR citywide by including policies in the Coastal Element and changing the implementing ordinances if necessary, including the citywide floodplain ordinance. This approach will result in a centralized location for SLR policies and regulations, allow a comprehensive approach in addressing SLR, and build upon existing provisions in the City's certified Local Coastal Program.

Pending completion of the citywide approach to SLR and in order to comply with Coastal Act Section 30253, projects in Sunset Beach will need to be planned, located, designed, and engineered for SLR and associated impacts that might occur over the life of the development. Locations currently subject to inundation, flooding, wave impacts, erosion, or saltwater intrusion will be exposed to increased risks from these coastal hazards with rising sea level and will require review for SLR effects.

2.4.3 Within five years of certification of the Sunset Beach Specific Plan, the City shall address SLR citywide through preparation of a Sea Level Rise Vulnerability Assessment and Coastal Resiliency Plan, which shall identify the vulnerable assets and recommend adaptive measures and preparedness goals for each planning area, including Sunset Beach. The SLR Vulnerability Assessment and Coastal Resiliency Plan shall be prepared in accordance with the California Coastal Commission's adopted SLR Policy Guidance document.

2.4.4 Applicants proposing development on vacant land in Sunset Beach shall comply with the following steps for addressing SLR in coastal development permits as outlined in the Coastal Commission's adopted SLR Policy Guidance:

1. Establish the projected SLR range for the proposed project;
2. Determine how SLR impacts may constrain the project site;
3. Determine how the project may impact coastal resources over time, considering SLR;
4. Identify project alternatives to both avoid resource impacts and minimize risks to the project; and
5. Finalize project design and submit permit application.

2.5 Infrastructure and Utilities

Infrastructure

Public facilities analyses of infrastructure requirements and detailed design, construction and phasing will be completed as required by the City of Huntington Beach Department of Public Works. Future development within the Specific Plan area will be responsible for the construction of public facilities improvements concurrent with individual project development, subject to review and approval of the Director of Public Works.

Water System

The City of Huntington Beach has provided domestic water to the Sunset Beach area since fiscal year 1964/65, when it purchased the Sunset Beach Water District. Upon annexation,

domestic water for the Sunset Beach area will continue to be provided by the Public Works Water Division of the City of Huntington Beach. The Water Division provides water to all of the customers within the City of Huntington Beach.

The Water Division has use of both underground and imported water sources to service the area. The underground supply comes from nine existing wells, and imported water delivered to the City of Huntington Beach by the Metropolitan Water District (MWD) at three locations. The Specific Plan area is part of the City's Master Plan for Water Service.

All water improvements shall be designed to the City of Huntington Beach water standards for future City acceptance and approval. Locations of fire hydrants and apparatuses will be reviewed for each project by the Fire Department and Water Division of the City of Huntington Beach to ensure adequate fire flow and pressure.

Sewer System

The Sunset Beach Sanitary District, formed in 1930, is responsible for the review and approval of the collection of wastewater within the project area, and the Orange County Sanitation District (OCSD) is responsible for the treatment of wastewater. Upon annexation, wastewater service will continue to be provided by the Sunset Beach Sanitary District.

Storm Drainage

The City of Huntington Beach and the Orange County Public Works/Flood Control Section are the agencies responsible for the flood control system in the vicinity of Sunset Beach. New drainage facilities constructed within the Specific Plan area will be maintained either by the City or privately maintained by a homeowner's association. Any drainage facilities designed or sized to accommodate upstream drainage will be designated as public facilities and maintained by the City.

Only drainage that is required by City of Huntington Beach Codes and the ordinances of the Sunset Beach Sanitary District shall be drained into the Sunset Beach Sanitary System lines. All other drainage, such as rain water, irrigation water and other on-site drainage shall drain to the public street or public storm drainage system. All development shall meet the provisions of this requirement.

Where new storm drains are necessary to accommodate development, they shall be sited and designed to discharge in the least environmentally sensitive location. Storm Drains and/or Catch Basins shall be marked "No dumping- drains to Ocean" or with other appropriate local insignia.

Water Quality

The City of Huntington Beach is a coastal community noted for its beaches, which attract numerous people to the area. The beaches support the City's economy and the well being of the City's economy is dependent on maintaining quality of coastal waters.

The flow of untreated stormwater and urban runoff can have an adverse impact on the quality of coastal waters since storm drains eventually discharge into the ocean. Water pollution degrades surface waters making them unsafe for drinking, fishing and swimming. The 1972 amendments to the Federal Water Pollution Control Act prohibit the discharge of any pollutant to navigable waters unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Since 1990, the City of Huntington Beach has been required to develop and implement a storm water management program designed to prevent harmful pollutants from being washed by storm water runoff into the storm drain system and to obtain a NPDES permit. The City's NPDES Permit requires new development and significant redevelopment to minimize short and long-term impacts on receiving water quality to the maximum extent practicable.

The City's General Plan and Local Coastal Program note that the City can upgrade water quality by controlling pollutants that enter coastal waters through urban runoff. The City's General Plan and Local Coastal Program contain the water and marine resource policies requiring that measures be implemented to mitigate the adverse impacts of human activities on the marine environment. To protect coastal waters, the following water quality measures shall be implemented in conjunction with any new development or significant redevelopment:

- All new development and significant redevelopment, shall comply with the State of California, California Regional Water Quality Control Board Santa Ana Region, Order No. R8-2009-0030 (NPDES No. CAS 618030) or subsequent permits. Projects shall comply with the Orange County Drainage Area Management Plan (DAMP), all applicable local ordinances and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 2009-0009-DWQ), and any subsequent amendments, revisions, or re-issuances thereof.
- Prior to issuance of a Coastal Development Permit (CDP), a Preliminary Water Quality Management Plan (WQMP), shall be submitted for review by the Public Works Department, and shall be based on consistency with the provisions herein. New development and significant redevelopment projects shall incorporate Low Impact Development (LID) principles, design elements, and/or Best Management Practices (BMPs) that will effectively prevent runoff contamination, and minimize runoff volume leaving the site in the developed condition, to the greatest extent feasible.
- Prior to issuance of a Grading or Building Permit, a final WQMP shall be submitted for review and acceptance by the Public Works Department.
- All projects that include dewatering shall obtain coverage under the State of California, California Regional Water Quality Control Board Santa Ana Region de minimis permit, currently Order No. R8-2009-0003 (NPDES No. CAG998001) and subsequent iterations of this permit.

Utilities

There are several public utility service providers in the Sunset Beach Specific Plan area as described below. Adequate facilities exist for the service needs of the area.

Electricity

Electrical service to the area is provided by the Southern California Edison Company. Existing transmission and distribution lines are adequate to service current and potential future needs.

Natural Gas

Natural gas service in the Specific Plan area is provided by the Southern California Gas Company. Adequate facilities exist for current and potential future needs.

Telephone

Telephone service in the Specific Plan area is provided by Verizon.

Cable Television

Cable television service within Sunset Beach is provided by Time Warner Cable.

Solid Waste Disposal

Rainbow Disposal Company currently provides solid waste disposal services for the area. An adequate level of service can be maintained based on anticipated demand for the Company's service area.

3. Development Standards

3.1 Purpose

The Sunset Beach Development Standards will be applied to individual development in the Sunset Beach area and are adopted for the purpose of promoting the health, safety and general welfare of the Sunset Beach community and the City of Huntington Beach. More specifically, these regulations are intended to provide the standards, criteria and procedures necessary to achieve the objectives below.

- Provide maximum opportunities for community design and site planning, consistent with orderly development and protection of sensitive and natural resources, with a logical and timely sequence of community and government review and input.
- Improve the visual image and general aesthetics of Sunset Beach.
- Implement the applicable policies of the California Coastal Act and preserve, protect and enhance the Coastal Zone resources of particular value to the Sunset Beach community, City of Huntington Beach, and the State of California.
- Implement the intent and purpose of the Sunset Beach Specific Plan.

3.2 General Provisions

The provisions herein shall govern the design and development of the Sunset Beach Specific Plan area. Standards and/or criteria for development and activities not specifically addressed in this Specific Plan will require referral to the current provisions of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code. Whenever an activity has not been specifically listed as being permitted in a particular District of the Specific Plan, it shall be the duty of the Community Development Director to determine if it is consistent with the intent of this Specific Plan and compatible with other permitted uses. All development activity within the Sunset Beach Specific Plan area will be subject to the following general conditions and requirements, as noted, as well as the Land Use Plan Guidelines in Section 2.2.

- 3.2.1 Any conditions, requirements, or standards, indicated graphically or in writing, that are a part of an approved subdivision map, Coastal Development Permit or variance, approved in compliance with these regulations shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit but not in compliance with all approved conditions shall be in violation of the Sunset Beach Development Standards and City of Huntington Beach Zoning and Subdivision Ordinance.
- 3.2.2 All construction and development within the Sunset Beach Specific Plan area shall comply with applicable provisions of federal and state regulations.
- 3.2.3 All construction and development within the Sunset Beach Specific Plan area shall comply with applicable provisions of the Uniform Building Code and other various

Mechanical, Electrical, Plumbing and Housing Codes related thereto as well as the Municipal Code of the City of Huntington Beach.

- 3.2.4 All construction and development shall comply with the regulations contained in Chapter 17.56 of the Huntington Beach Municipal Code (Fire Code) and City Specifications, except Section 3.3.4 2e and f of this Specific Plan shall prevail unless wider drive aisles, per City Specifications, can reasonably be accommodated .
- 3.2.5 In these land use development standards, for all regulatory areas, when more than one description may apply to a given use, the more specific description shall determine if a use is allowed, or prohibited.
- 3.2.6 Terms not specifically defined in the Specific Plan shall have the same definition as used in the City of Huntington Beach Zoning and Subdivision Ordinance. When consistent with the context, words used in the present tense include the future tense; words used in a singular number include the plural number. The word “shall” is always mandatory and the word “may” is permissive.
- 3.2.7 Pacific Coast Highway, as it passes through the Sunset Beach Specific Plan is designated a Scenic Highway.
- 3.2.8 All legal residential building sites in existence on the date of initial adoption by the Board of Supervisors, of the Sunset Beach LCP on March 30, 1983, shall be permitted two dwelling units per site, unless approved otherwise. New building sites created by a tract map, parcel map, lot consolidation, or any other legal method are also limited to two dwelling units per building site.
- 3.2.9 Development projects shall be required to install adequate utility services necessary to serve the development. Utility systems shall be designed to conserve the use of electrical energy and natural resources
- 3.2.10 Due to the high groundwater conditions, only drainage that is required by City of Huntington Beach Codes and Ordinances, and the ordinances of the Sunset Beach Sanitary District, shall be drained into the Sunset Beach Sanitary System lines. All other drainage, such as rain water, irrigation water and other on-site drainage shall drain to the public street or public storm drainage system. All development shall meet the provisions of this requirement.
- 3.2.11 Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals, and other similar uses, may be permitted in any area in the Sunset Beach Specific Plan area by approval of the Community Development Director, subject to applicable permits.
- 3.2.12 Emergency vehicle access to the beach shall be at the ocean end of the signalized streets of Anderson, 19th Street, Broadway, 5th Street and Warner Avenue only. The center of such street ends shall be kept open and free at all times. All other side street ends opening on the beach may be developed for additional public parking. Such

additional public parking development shall not extend beyond the rear (oceanward) property line of the adjacent ocean front private property.

- 3.2.13 Park lands and park fees required for new development shall be in compliance with all applicable regulations of the City of Huntington Beach Zoning and Subdivision Ordinance.
- 3.2.14 Any building site abutting Pacific Coast Highway shall be required to provide a corner cut-off of 17 feet prior to the issuance of any building permits unless otherwise provided for by an approved Coastal Development Permit.
- 3.2.15 Required street and highway dedication and improvements per the City of Huntington Beach Zoning and Subdivision Ordinance shall not be applicable to the Sunset Beach Specific Plan area except for those properties abutting Pacific Coast Highway.
- 3.2.16 Sustainable or “green” building practices shall be encouraged to be incorporated into all projects proposing new structures and/or site improvements. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification, Build it Green’s Green Building Guidelines and Rating Systems, or the National Green Building Standard.

3.3 Regulations

The Sunset Beach Specific Plan contains five districts, as depicted in Exhibit 3.1, Specific Plan Districts. The boundaries of these districts coincide with those of the Land Use Plan. The names for the Specific Plan districts are the same as used in the previous County SBSP/LCP. The regulations for each district follow.

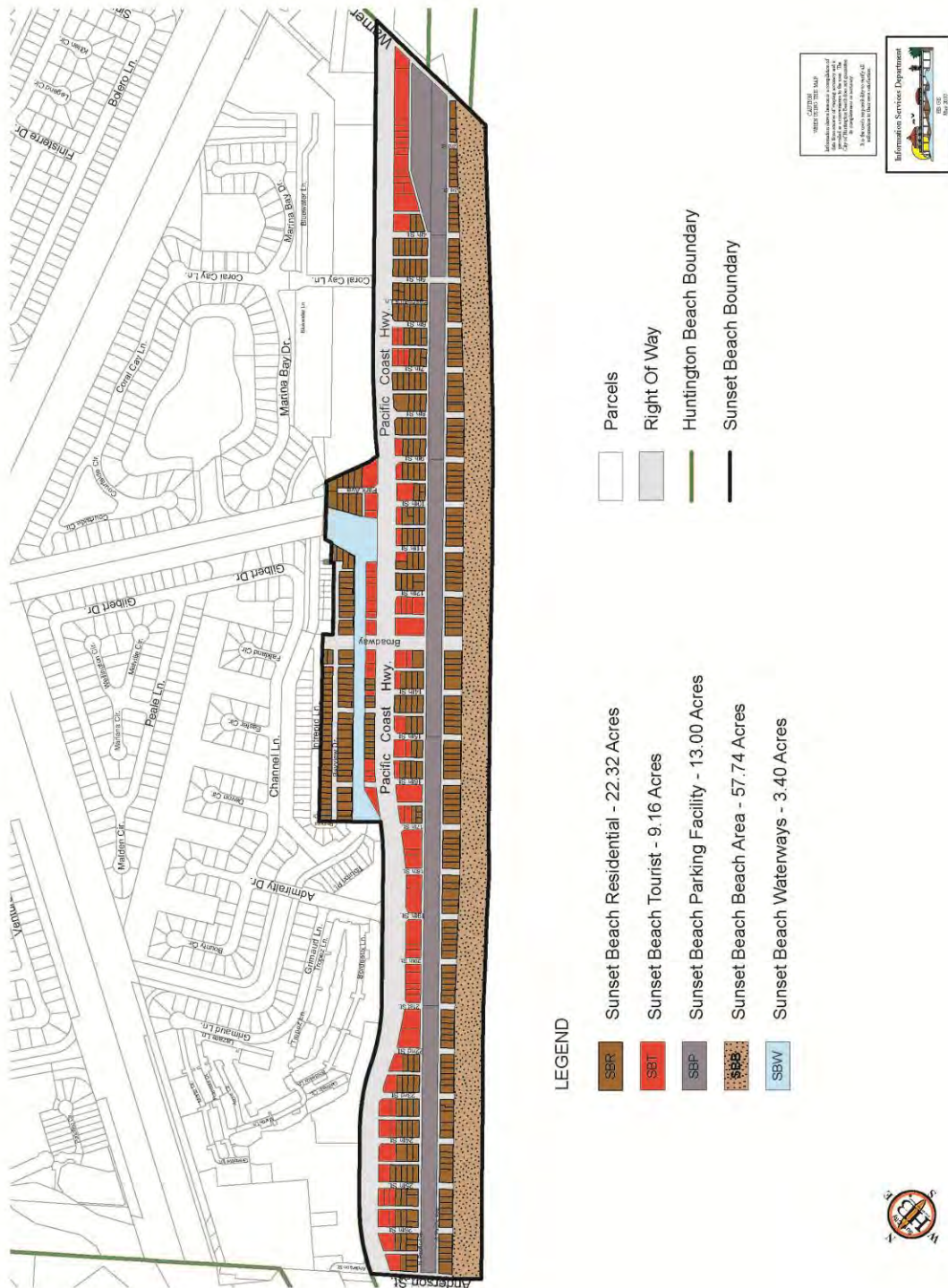


Exhibit 3.1 Specific Plan Districts

3.3.1 Sunset Beach Residential

A. Purpose

The Sunset Beach Residential (SBR) District is intended to permit the establishment and maintenance of high density residential neighborhoods. It is intended that each residential structure be independent from adjoining property by setbacks. Only those uses which are complementary to and can exist in harmony with the residential uses are permitted.

B. Principal Permitted Uses

The following principal uses are permitted subject to the approval of a Coastal Development Permit by the Zoning Administrator.

1. Duplex dwellings
2. Single-family dwellings and single family mobile homes.
3. Residential Condominium, stock cooperative, and community apartment projects.
4. Residential Condominium conversions, pursuant to Chapter 235 of the HBZSO.
5. Additions to lawful nonconforming residential uses. Additions must comply with all applicable development standards.

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Planning Commission.

1. Community recreation center.
2. Community service center.
3. Community facility.
4. Public Safety Facilities.
5. Parks and playgrounds (non-commercial).
6. Public service facilities.
7. Short-term vacation rentals (stays of less than 30 days)
 - a. Amortization Period: Any existing short-term vacation rental (stays of less than 30 days) use shall be discontinued 12 months following the effective adoption date of this Specific Plan by the California Coastal Commission, unless an application is filed with the Community Development Department pursuant to this section to establish the use prior to the discontinued date.

D. Accessory Uses and Structures Permitted

Accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Limited Day Care, Limited Residential Care, and Large Family Day Care, as defined by the HBZSO. Large Family Day Care shall require neighborhood notification pursuant to Section 241.24 of the HBZSO.
2. Fences and walls per Section 3.3.5 except as modified by special provisions set out in Section F.3.c “Building sites between Pacific Coast Highway and the Sunset Channel and those building sites fronting on Park Avenue” and Section F.3.d “Building sites between Bay View Drive and Sunset Channel”.
3. Garages and/or carports per Sections 3.3.4 and 3.3.7.
4. Home occupations per the HBZSO.
5. Noncommercial keeping of pets and animals per the City of Huntington Beach Municipal Code.
6. Pools and spas, except due to the limited sewerage capacity, no such swimming pool or spa over 1000 gallons shall be connected to, or drained into, the public sewer system.
7. Signs per Section 3.3.6, except business signs which are prohibited.
8. Tennis courts.
9. Detached accessory buildings in compliance with Section 3.3.7.

E. Prohibited Uses.

1. All uses not permitted above are prohibited.
2. The storage of vehicles, equipment or products related to a commercial activity.
3. Community and Human Service facilities.

F. Site Development Standards

The establishment, operation and maintenance of the uses permitted by these district regulations shall be in compliance with the following:

1. Building Height – Up to three stories and not more than 35 feet maximum; building height shall be measured from the centerline of the frontage street to the top of the structure. Such height and story calculations shall include mezzanines, patio roof covers, mechanical equipment, rooftop decks and attics; however, a rooftop deck shall not count as a story. See Section F.7.

2. Bottom elevation – the finished floor elevation for new construction should be a minimum of two feet above the centerline of the frontage street or two feet above the highest perimeter curb elevation of the property, whichever is greater, unless the applicant can prove, using detailed hydrologic and hydraulic calculation, that the proposed finished floor elevation is protected from being flooded from a 100-year flood in a manner meeting the approval of the Community Development Director. Beachfront properties should have the ground slope toward South Pacific Avenue and not toward adjacent properties.

Those building sites abutting the Sunset Beach Waterways District, Bay View Drive, or Park Avenue shall have the additional requirement that the finished floor elevation also be set at a minimum two feet above the bulkhead elevation.

3. Setbacks

Front setbacks shall be measured from the ultimate right-of-way line.

- a. Beach Front Building Sites

Front setback (street)	5 feet on ground floor, 6 inches above ground floor.
Side setbacks adjacent to streets and alleys	6 inches all floors, except in front of garages where 3 feet is required.
Side setbacks adjacent to other building sites.	3 feet all floors, except for decks providing access on ground floor where 2 feet is allowed.
Rear setback (on the sand)	None Required.

- b. Building sites between North Pacific Ave. and Pacific Coast Highway

Front setback (street)	5 feet on ground floor, 6 inches above ground floor.
Side setbacks adjacent to streets and alleys	3 feet on ground floor except in front of garages where 5 feet is required; 6 inches above ground floor.
Side setbacks adjacent other building sites	3 feet all floors, except for decks providing access on ground floor where 2 feet is allowed.
Rear setback	5 feet on ground floor, 6 inches above ground floor.

- c. Building Sites between Pacific Coast Highway and the Sunset channel and those building sites fronting on Park Ave., PCH and abutting the Channel.

Front setback (street)	5 feet ground floor, 6 inches above ground floor.
Side setbacks adjacent to street and alleys	6 inches all floors except in front of garages where 3 feet is required.
Side setbacks adjacent to other building sites	3 feet all floors, except for decks providing access on ground floor where 2 feet is allowed.
Rear setback (channel)	10 feet from bulkhead or rear property line, whichever is more restrictive on the ground floor, 5 feet above ground floor.

See Section 3.3.3.C (Sunset Beach Waterways) for dock, gangway, and landing criteria.

No structure higher than 12 inches from top of the bulkhead shall be permitted in the required rear setback except for a five foot security fence of open weave design to a maximum of 35 percent opaque. This height shall be measured from the top of the concrete bond beam of the existing bulkhead.

- d. Building Sites between Bay View Drive and Sunset Channel

Front setback (street)	5 feet ground floor, 6 inches above ground floor.
Side setbacks adjacent to streets and alleys	6 inches all floors except in front of garages where 3 feet is required/
Side setbacks adjacent to other building sites	3 feet all floors, except for decks providing access on ground floor where 2 feet is allowed.
Rear setback (channel)	10 feet from bulkhead or rear property line, whichever is more restrictive on the ground floor, 10 feet on all other floors except that a balcony deck may extend 5 feet into the rear setback measured from the required building setback.

See Section 3.3.3.C (Sunset Beach Waterways) for dock, gangway, and landing criteria.

No structure higher than 12 inches from top of the bulkhead shall be permitted in the required rear setback except for a five foot security fence of open weave design to a maximum of 35 percent opaque. This height shall be measured from the top of the concrete bond beam of the existing bulkhead.

e. Building Sites between Bay View Drive and Intrepid Lane

Front setback (Bay View)	5 feet ground floor, 6 inches above ground floor.
Side setbacks adjacent to streets and alleys	6 inches all floors except in front of garages where 3 feet is required.
Side setbacks adjacent to other building sites	3 feet all floors, except for decks providing access on ground floor where 2 feet is allowed.
Rear setback (Intrepid Lane)	5 feet all floors except that an open balcony deck on the second or third floor to 6 inches from the property line.

4. Open Areas.

New residential units within areas b) and e) above shall include a minimum 90 square feet of open area by providing for 1) rooftop patios, 2) balconies or decks and/or 3) ground floor yards exclusive of required setback areas. Any such open area must have a minimum dimension of four feet six inches, shall be contiguous to the living area, and shall not face onto any adjoining lot.

5. All building plans shall provide an area for the storage of the minimum required number and size trash cans per dwelling unit as required by the trash removal service. This shall be concealed from public view.
6. Off-street parking shall be in conformance with Section 3.3.4 of the Sunset Beach Specific Plan Regulations. Additional parking shall not be required when additions, not exceeding 50 percent of the floor area of the total structure, are made to lawfully nonconforming residential uses.
7. All roof structures, such as air conditioning units, elevator equipment or other roof mounted appurtenances, shall be screened from view and shall not exceed the overall 35 foot height limit, except chimneys and other ventilation structures not to individually exceed the dimensions of two feet by two feet per flue and not to exceed the height of the building by more than 10 percent.

3.3.2 Sunset Beach Tourists

A. Purpose

The Sunset Beach Tourist (SBT) District is intended to permit the establishment, operation and maintenance of a commercial area that will supply the needs of tourists, visitors, and the local community.

Whenever the occupancy or use of any premise is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this section shall be provided for the new use or occupancy. This provision shall not apply to the addition of rooms or other alterations to lawful nonconforming residential dwellings in a commercial zone that do not increase the total floor area more than 50 percent.

B. Principal Permitted Uses

The following principal uses are permitted subject to the approval of a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Athletic/health/recreational clubs and centers.
2. Automobile service stations.
3. Bars, night clubs, and cocktail lounges.
4. Beauty shop or barber shop.
5. Parks and playgrounds.
6. Restaurants, drive-ins, and fast food establishment.
7. Other retail and service business associated with the needs of tourists, visitors, and the local community.
8. Hotels, motels.
 - a. Any hotel/motel rooms for which a business license or certificate of occupancy has been issued on or before the effective date of adoption of this Specific Plan shall not be permitted to convert to a Limited Use Overnight Visitor Accommodation.
9. Limited Use Overnight Visitor Accommodations – only those for which a business license or certificate of occupancy has been issued on or before the effective date of adoption of this Specific Plan shall be permitted.
10. Commercial boat docks.

11. Bed and breakfast.

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. **Residential Uses:**
 - a. Located above the first floor of a Principal Permitted Use.
 - b. Parking for both the primary commercial uses and the residential use conforms to Section 3.3.4 of these regulations.
 - c. Such residential use shall not exceed 50 percent of the gross square footage of the entire structure. Additions to lawful nonconforming residential uses are permitted if their cost does not exceed 50 percent of the market value of the residential use.

D. Temporary Uses Permitted

Seasonal Sales only shall be allowed per the City of Huntington Beach Zoning and Subdivision Ordinance Section 230.86.

E. Accessory Uses Permitted

Accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Garages and carports per Sections 3.3.4 and 3.3.7.
2. Fences and walls per Section 3.3.5.
3. **Parking structures.**
4. Outdoor dining areas.
5. Signs per Section 3.3.6.

F. Prohibited Uses

1. All uses not permitted above are prohibited.
2. Wholesale businesses.
3. Outdoor advertising signs.

4. Sale of food or beverages from vehicles or push carts.
5. Firework sales.
6. Adult entertainment businesses.
7. All Temporary Uses whether under cover or in the open, except as provided in 3.3.3.D above and in General Provision No. 3.2.10.
8. Medical marijuana businesses.
9. Methadone related businesses.
10. Residential Alcohol Recovery, General, as defined by the HBZSO.
11. Residential Drug Recovery and Drug Abuse Centers, as defined by the HBZSO

G. Site Development Standards

The establishment, operation, and maintenance of the uses permitted by this regulation shall be in compliance with the following provisions:

1. Building height – 35 feet maximum; building height shall be measured from the centerline of the frontage street to the top of the structure. Such height calculations shall include patio roof covers, mechanical equipment, rooftop decks and attics. See Section G.4.
2. Bottom elevation – the finished floor elevation for new construction should be a minimum of two feet above the centerline of the frontage street or two feet above the highest perimeter curb elevation of the property, whichever is greater, unless the applicant can prove, using detail hydrologic and hydraulic calculation, that the proposed finished floor elevation has protection from being flooded from a 100-year flood in a manner meeting the approval of the Community Development Director.

Those building sites abutting the Sunset Beach Waterways District shall have the additional requirement that the finished floor elevation also be set a minimum of two feet above the bulkhead.

3. Setbacks – Except as noted in a) & b) below, there shall be no required setbacks in the Sunset Beach Tourist District.
 - a. A three foot setback is required for all structures adjacent to SBR district properties.
 - b. Service stations per the City of Huntington Beach Zoning and Subdivision Ordinance.
4. All roof structures, such as air conditioning units, elevator equipment, or other roof mounted appurtenances, shall be screened from view and shall not exceed the overall 35 foot height limit, except chimneys and other ventilation structures not to individually

exceed dimensions of two feet by two feet per flue and not to exceed the height of the building by more than 10 percent.

5. All lighting, both exterior and interior, shall be designed and located to confine direct rays to the building site.
6. All storage in cartons, containers, or trash bins shall be enclosed and shielded from view within a building or by a fence/wall not less than six feet in height. If unroofed, trash bins shall have lids.
7. Off-street parking. Per Section 3.3.4 herein.

H. Lawful nonconforming residential use of property:

Should any existing lawful nonconforming residential structure presently on property zoned commercial be destroyed such may be rebuilt providing it conforms to the provisions of the residential uses and standards contained in the SBR District. The replacement residential use/structure may not be increased more than 10 percent in height or footprint beyond what was existing and must be rebuilt in the same location.

3.3.3 Public Facilities

A. Purpose

The Public Facilities District, including the Beach Area (SBB), Parking Facility (SBP), and Waterways (SBW) districts, is intended to permit the establishment and maintenance of community services in locations that will best service the uses in Sunset Beach. It is intended that these community facilities be compatible with the other land uses and included beachfront and parks, public parking facilities, and inland waterways.

B. Sunset Beach Beach Area (SBB)

1. To protect beachfront residences and maintain public and private ocean views and access and to preserve the unique public recreational character of Sunset Beach, the existing beach and sand area shall be maintained in their present form.
2. The 27 existing public access points to the beach delineated in the Sunset Beach Land Use Plan shall be retained and maintained in a manner promoting their use by the general public.
3. From the ocean front property line to the ocean there shall be no roadway, bike path, hiking trail, or parking facility.
4. Permanent above-ground structures on the beach and sand areas shall be prohibited, except for:
 - a. Lifeguard towers
 - b. Other facilities necessary for public safety.

5. Temporary uses and structures accessory to residential development shall be permitted within the 20 foot strip of beach property contiguous to SBR properties subject to a Coastal Development Permit.

Improvements shall be limited to temporary/removable deck units, the top elevation of which shall not exceed four feet above the street level of South Pacific Avenue; landscaping not exceeding 30 inches in height above patio/deck surface at full growth; and portable furniture.

6. Fire rings or any other fire on the beach shall be prohibited.
7. There shall be no advertising of any nature on the beach and sand areas.
8. No governmental or private agency shall construct or cause to be constructed any structure including but not limited to jetties, groins, berms, etc., that may alter the natural shoreline processes such as wave action, channel depth, or general beach configuration except when such protective structures are required to protect existing structures or public beaches in danger from erosion.
9. Temporary recreational facilities for general public use may be permitted subject to a special events permit from the City of Huntington Beach. Such facilities shall be located at least 75 feet from residential property lines unless the facility is directly in front of the property of the applicant for the encroachment permit.
10. A public beach closure/curfew cannot apply to the area of Coastal Commission original jurisdiction (State tidelands, submerged lands and public trust lands) including but not necessarily limited to the area seaward of the mean high tideline. Public access to the water's edge and at least 20 feet inland shall be permitted at all times. Closure to public use of any portion of the beach inland of the mean high tide line is not encouraged and requires a coastal development permit that must maintain the public's right to gain access to State tidelands. Measures that limit public use of the beach shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the potential risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited closure for beach maintenance may be allowable pursuant to a coastal development permit.

C. Sunset Beach Parking Facility (SBP)

1. Parking control shall be in accordance with the City of Huntington Beach Municipal Code.
2. The present general configuration and facilities shall be retained.
3. There shall be no overhead or underground parking facility.
4. Bicycle parking shall be permitted.

5. There shall be no parking meters or other mechanical control devices.
6. The City shall consult with the Sunset Beach LCP Review Board for recommendation before any facilities are changed or expanded or additional signs installed. Modification of existing parking shall be subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.
7. There shall be no advertising of any nature.

D. Sunset Beach Waterways (SBW)

1. For greater use by the general public, all channels and public waterways shown in Exhibit 3.2 shall be maintained and operated as public waterways, subject to City of Huntington Beach regulations. They shall be properly bulkheaded to prevent erosion and resultant land filling, and dredged to maintain navigable depth and regulated to prevent impediment of channel navigation. All navigable channels shall be retained and maintained at the present width, no part of the channels shall be filled, and no encroachments shall be allowed except for bulkheads, gangways, and docks as provided in item number 2 below.
2. In addition to a Coastal Development Permit from the State, a Harbor Permit (encroachment permit) is required for all existing and proposed bulkheads, gangways, and docks within the Sunset Beach Waterways. Bulkheads not within the SBW will require evidence of sound construction (building permit) concurrent with the application for a harbor permit for dock and gangway attachments. The right to said permit shall be attached to the property and run with the ownership of the bulkhead frontage.

As part of the harbor permit application process, a determination will be made for existing facilities as to whether they are in a state of good repair or a state of disrepair. Docks with inadequate floats resulting in partial submersion, sinking, or listing, broken or inappropriate decking material, inadequate supports or improper fastening devices (such as PVC pipe), and illegal and unsafe electrical wiring shall be deemed to be in a state of disrepair.

All applications for a harbor permit shall be submitted to the Sunset Beach LCP Board for their review and recommendations prior to the issuance of said permit.

3. To provide greater public use of Sunset Channel from 11th Street to the northwest end of the channel, the channel encroachment line shall be 20 feet measured from bulkhead face (See Exhibit 3.2, Permitted Encroachment Areas Within Sunset Beach Channel and Exhibit 3.3, Criteria for Sunset Beach Channel Encroachments). Side setbacks for docks shall be two feet from each property line. No deck or structure shall extend over or in front of the bulkhead in any channel, except a four foot by five foot landing or brow shall be permitted to extend past the bulkhead for access to a gangway to docks.

4. To provide maximum public use of inland waterways in the channels running at 90 degrees to Pacific Coast Highway, the channel encroachment line shall be at 40 feet as measured from lot property lines (see Exhibit 3.2, Permitted Encroachment Areas Within Sunset Beach Channel).
5. All bulkheads, gangways, and docks encroaching on public waterways shall be maintained in a state of good repair at all times. Failure to repair, upon written notice of the Director of Public Works shall be cause for revocation of the harbor permit.
6. All harbor permits are subject to inspection by City of Huntington Beach or other regulatory authorities.
7. To meet visitor serving needs, the 11th Street public beach and sandy area opposite 17th Street shall be retained in its present general configuration, or if reconfigured, shall provide equivalent recreational opportunities and shall be properly maintained. Small boats may be launched at both areas provided there is no use of trailers, sand dollies, or mechanical launching equipment. The launching of boats is specifically prohibited at all other publicly owned properties adjacent to Sunset Channel.
8. Any vessel that is occupied with the intent of being used as a residence is prohibited from using dock facilities or mooring overnight within Sunset Beach.
9. The renting or leasing of docks adjacent to private residences is permitted provided that one nine foot by 18 foot off-street parking space is provided for each boat for which mooring space is rented or leased.

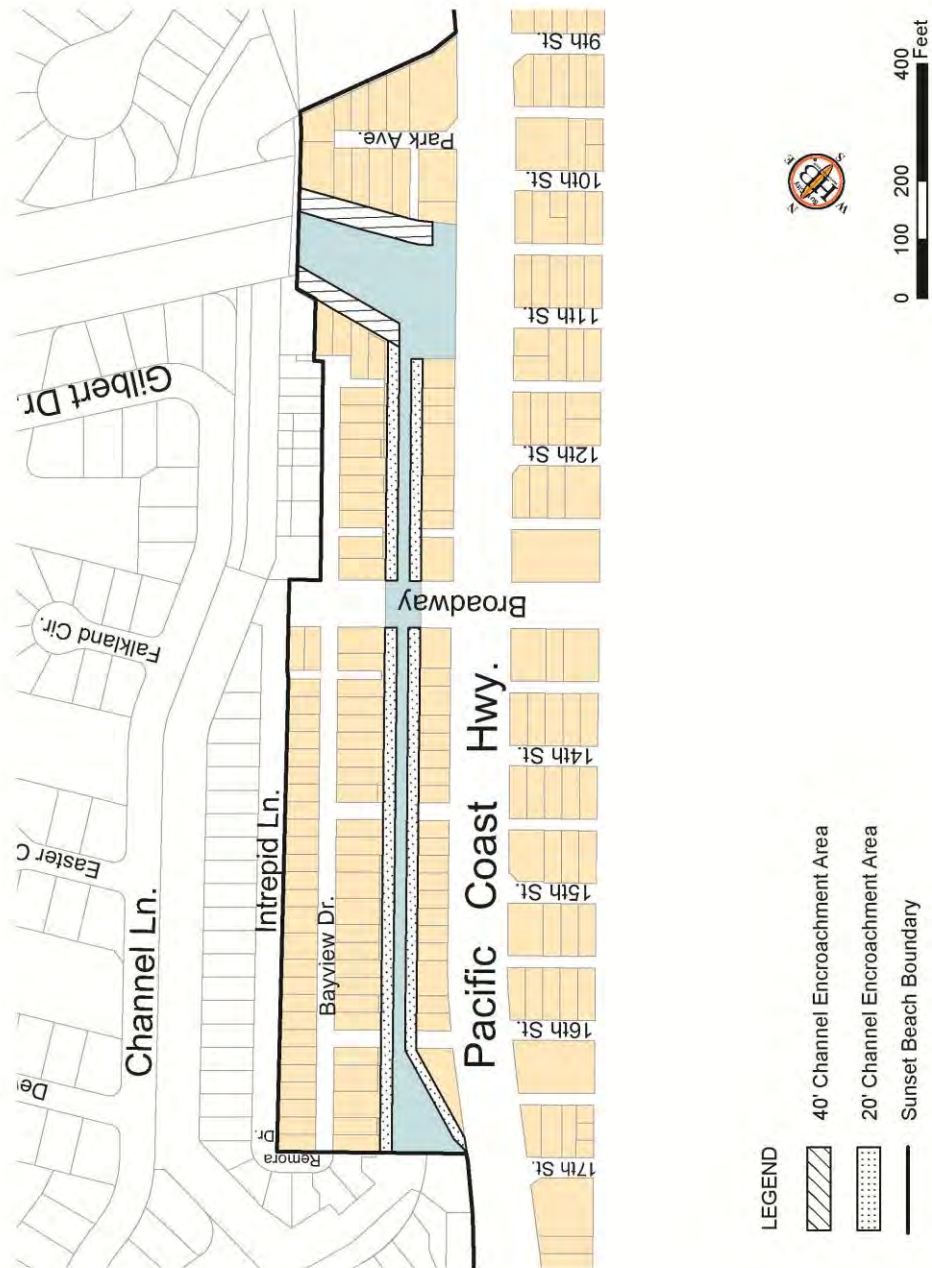


Exhibit 3.2 Permitted Encroachment Areas Within Sunset Beach

Note: Dimensions shown are maximum allowable for landing brow and encroachment area, and minimum allowable for side setback from each property line. This drawing is presented as general criteria for the installation of dock facilities and shall not be used in lieu of plans and specifications per the City of Huntington Beach Municipal Code.

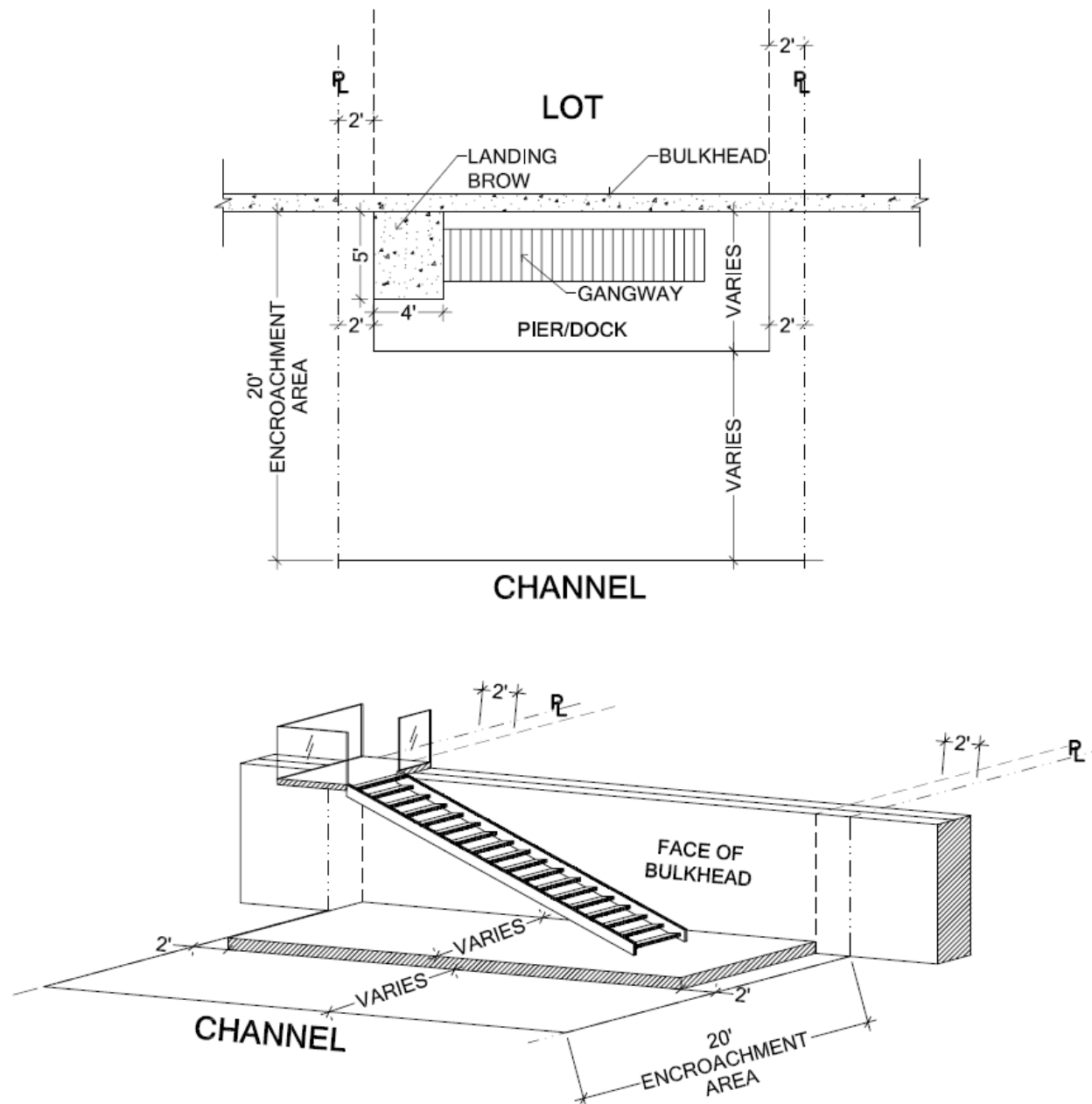


Exhibit 3.3 Criteria For Sunset Beach Channel Encroachments

3.3.4 Parking Requirements

A. Off-Street Parking

Off-street parking regulations, including minimum parking stalls required and bicycle parking, shall be provided in compliance with the City of Huntington Beach Zoning and Subdivision Ordinance Chapter 231 except that:

1. Residential
 - a. Parking stall size for residential uses shall be a minimum of nine feet by 18 feet, whether the stall is covered or uncovered.
 - b. One half of the required parking may be tandem for residential lots having less than 46 feet of street frontage.
2. All Other Permitted Uses
 - a. No owner or tenant shall lease, rent, or otherwise make available to intended users any off-street parking spaces required by this article.
 - b. Parking stalls for commercial uses requiring backing onto public streets shall be prohibited, except where they presently exist. In the case of minor alterations to existing structures, nonconforming parking stalls may remain subject to a Coastal Development Permit. Minor alterations are defined as those that 1) do not increase the intensity of use and 2) do not increase the existing parking capacity.
 - c. Subject to a Coastal Development Permit by the Planning Commission, the off-street parking facilities may be located on separate non-contiguous building sites subject to recorded covenant that would guarantee their continuous maintenance for the uses they serve. Non-contiguous building sites shall be within 470 feet of the site of the uses they serve.
 - d. Up to 50 percent of the required parking for commercial uses may be compact size, eight feet by 15 1/2 feet, subject to a Coastal Development Permit. The point of entry or exit for compact space shall be no closer than 20 feet from the ultimate right-of-way at the street opening.
 - e. One-way accessways shall have a minimum width of 14 feet unless it is a fire lane which requires a minimum of 20 feet. However, see also General Provision 3.2.4.
 - f. Two-way accessways shall have a minimum width of 24 feet. However, see also General Provision 3.2.4.
 - g. The point of exit or entry from any off-street parking space, except compact, may be at the ultimate right-of-way to a street opening.

- h. Aisle width requirements of the City of Huntington Beach Zoning and Subdivision Ordinance shall prevail, except that one-way aisles with parallel parking on one or both sides shall be a minimum of 12 feet.
 - i. Up to 40 percent of the required parking spaces may be tandem parking subject to a Coastal Development Permit by the Planning Commission.
 - j. Subject to a Coastal Development Permit by the Planning Commission, a reduction in the number of required parking spaces may be allowed for uses which utilize shared parking site between uses that have different peak parking periods.
3. Minimum parking stalls required by specific use within Sunset Beach are set out as follows:

<u>Use</u>	<u>Stall Required</u>
a. Automobile, truck, boat, trailer, or similar vehicle sale or rental establishments.	1 space for each 400 sq. ft. of gross floor area, except area used exclusively for storage or loading and 1 space for each 1000 sq. ft. of outdoor sales, display, or service area.
b. Automobile service stations.	2 spaces for each lubrication stall, rack, or pit, plus 1 space for each gasoline pump outlet
c. Beauty shop or barber shop.	2 spaces for each of the beauty station or barber chair
d. Child care center, day nursery, preschool, or nursery school.	1 space for each staff member, plus 1 space for each 5 children or 1 space for each 10 children where a circular driveway or its equivalent designed by contiguous flow of passenger vehicles for the purpose of loading and unloading children.
e. Commercial boat docks.	1 space for each 35 feet of boat dock or boat mooring with a minimum of 1 space per boat. In addition, where commercial docks are used to load or unload passengers on a commercial or fee basis, there shall be 1 additional onsite parking space required for each 2 passenger or passenger capacity of the boat.

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| f. | Commercial service establishments, repair shops, motor vehicle repair garages, and similar establishments. | 1 space for each 400 sq. ft. of gross floor area, except floor area used exclusively for storage or loading, plus 1 space for each 500 sq. ft. of outdoor sales, display, or service area. |
| g. | Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, including private clubs and lodge halls. | 1 space for each 3 persons allowed within the maximum occupancy load as established by local, County, or State fire, building, or health codes, or 1 space for each 75 square foot of gross floor area, whichever is greater. |
| h. | Food store, grocery store, supermarket, or similar use. | 1 space for each 225 sq. ft. of gross floor area. |
| i. | Furniture store, appliance store, machinery rental, or sale store (including motor vehicle rental or sales), and similar establishments which handle only bulky merchandise. | 1 space for each 500 sq. ft. of gross floor area, except floor area used exclusively for storage or loading, plus 1 space for each 500 sq. ft. of outdoor sales, display or service area. |
| j. | General office and other business technical service, administrative or professional offices including real estate. | 1 space for each 250 sq. ft. of gross floor area |
| k. | General retail stores, except as otherwise noted. | 1 space for each 225 sq. ft. gross floor area. |
| l. | Laundromats. | 1 space for each 4 machines. |
| m. | Medical/dental office or clinic. | 1 space for each 150 sq. ft. of gross floor area |
| n. | Motel or hotel. | 1 space for each guest unit. 2 spaces for any unit having facilities other than bathroom, e.g., kitchen, wet bar; etc. |
| o. | Private golf course, swim club, | 1 space for each 4 persons based |

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| | country club, tennis club, recreation center, or similar use. | upon maximum capacity of all facilities capable of simultaneous use as determined by the staff, plus 1 space for each 2 employees. |
| p. | Residential. | 2 spaces for each dwelling unit |
| q. | Restaurants, night clubs, bars and similar establishments for the sale and consumption of food and beverage on the premises. | 1 space for each 100 sq. ft. of serving area. There shall be a minimum of 10 spaces on-site without regard for the sq. ft. of service area. |
| r. | Tennis courts, open to the public. | 2 spaces for each court. |
| s. | Veterinary hospital. | 1 space for each 150 sq. ft. of gross floor area. |
| t. | Other. | All other uses shall be defined by the City of Huntington Beach Zoning and Subdivision Ordinance. |
4. Coastal development permit applications that include variance requests to deviate from off-street parking requirements may be approved, except that requests that are found to impact public parking available for coastal access shall not be granted.

B. On-Street Parking

1. The implementation of restrictions on public parking along public streets that would impede or restrict public access to beaches and/or other visitor serving amenities (including, but not limited to, the posting or “no parking” signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Prior to implementing restrictions on public parking along public streets, the public safety concerns justifying such restrictions shall be on-going and clearly documented by the City in a manner consistent with the City’s standard procedures for documenting public safety concerns. Where restrictions are imposed, an equivalent number of new public parking spaces shall be provided within 500 feet of the public parking restriction as mitigation for impacts to coastal access and recreation. Such restrictions shall require a coastal development permit in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.
2. Development that proposes removal of existing public parking shall provide for the replacement of that parking at a 1:1 ratio.

3. Modification of existing, legally established preferential parking districts shall be subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance. Establishment of new preferential parking districts in the Specific Plan area shall be prohibited.
4. Changes to parking hours and/or fees for on-street public parking shall be subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.

3.3.5 Fences and Walls

For purposes of this section, “fences and walls” include any type of fence, wall, retaining wall, sound attenuation wall, or screen. Fences/walls shall be in compliance with the following regulations. However, walls that are located within the interior of an approved tract map and are part of the initial development of that tract map shall be exempt from these regulations. Subsections “4” and “5” only shall also apply to hedges, or thick growth of shrubs, bushes, or trees. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater.

1. Main building area.

In the area where a main building may be constructed, the district building height regulations apply.

2. Setback areas bordering streets.

- b. The maximum height shall be three and one-half feet within any required front setback area and six feet within any rear or side setback area (through which no vehicular access is taken) adjoining a street, up to a maximum depth of 20 feet.
- c. That portion of a building site where vehicular access rights have been dedicated to a public agency may have a six feet high fence/wall.
- d. Fences/walls that border major arterial highways may be six feet high and as high as eight feet if:
 - i. The major arterial is elevated two feet or more above the building site elevation, or
 - ii. The exterior side measurement of the wall is not more than six feet in height.

3. Setback areas not bordering streets.

The maximum height shall be six feet within any required front, rear, or side setback area not adjoining a street. However, where the elevation of an adjoining building site to the side or rear is higher than the base of the fence or wall in the side or rear setback area, the height of the fence or wall may be measured from the elevation of the adjoining

building site to the top of the fence or wall. However, in no case shall such a fence or wall exceed eight feet from the base of the fence/wall to the top as measured from the adjoining site.

4. Access intersection areas.

Notwithstanding "2" above, the maximum height shall be three and one-half feet within five feet of the point of intersection of:

- a. An ultimate street right-of-way line and an interior property line;
- b. An ultimate street right-of-way line and the edge of a driveway or vehicular accessway;
- c. An ultimate street right-of-way line and an alley right-of-way line; and
- d. The edge of a driveway or vehicular accessway and an alley right-of-way line.

5. Street intersection areas.

Notwithstanding "2" above, the maximum height shall be three and one-half feet within the triangular area formed by drawing a straight line between two points located on, and 15 feet distant from, the point of intersection of two ultimate street or highway right-of-way lines extended.

6. Modifications permitted.

Exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of a conditional use permit by the Zoning Administrator per the Huntington Beach Zoning and Subdivision Ordinance.

3.3.6 Sign Regulations

All references to this section shall include Section 1 through 9.

1. Purpose

The purpose of this section is to establish standards for the control of signs in Sunset Beach that require protection of vistas of the natural landscape, scenic corridors and highways, recreational facilities, and routes used for access to recreational areas and facilities. The intent of these regulations is to minimize the number of signs and to encourage the use of sound planning and design principles in the use of signs to complement the main use of the property. Also to promote the visitor-serving commercial/recreational facilities designed to enhance public opportunities for coastal recreation.

2. General Provisions

- a. Uncertainty. Whatever uncertainty exists as to the intent or wording of this article, the Sunset Beach Local Coastal Program Review Board shall be consulted to make an interpretation. The decision of the Community Development Director shall be final unless appealed.
- b. Except for special event signs, all permitted signs shall be located on the same site as the use they identify or the goods they advertise. Exception – Special event signs may be located off-site with the approval of the City of Huntington Beach.
- c. Signs that limit public access or recreation are not permitted except in instances where such signage is necessary to implement restrictions to protect public safety where no other feasible alternative exists to provide public safety, and shall be reviewed in conjunction with the coastal development permit for said restrictions.

3. Permitted Permanent Signs

- a. Business sign: A sign displaying information pertaining to goods or services offered or produced by the business located on the property but not including advertising devices/displays. Business signs may include the identifying name of a business. Business signs can be freestanding and/or wall signs.
- b. Civic activity sign: A bulletin board customarily incidental to places of worship, libraries, museums, and other public institutions.
- c. Identification sign: A sign identifying the name and symbol/insignia of an existing or future community, building, business, facility, organization, person, etc. Identification signs can be freestanding and/or wall signs.

4. Permitted Temporary Signs

Temporary Signs are permitted in any district (except where prohibited).

A Coastal Development Permit will not be required if the sign does not exceed the height of existing structures on a site.

- a. The following signs are permitted:
 - i. Real Estate signs: In any area one real estate sign shall be permitted on any building site or business property, not to exceed four square feet in area, unlighted and unilluminated.
 - ii. Construction signs: One construction sign shall be permitted on any building site, in any area, except where specifically prohibited, unlighted and unilluminated and not to exceed a total area of 16 square feet.
- b. Upon review and recommendation of the LCP Review Board and approval of the Community Development Department, the following signs are permitted:

- i. Special Event signs: For community sponsored events such as the Firemen's Ball, Chili Bean Feed, Art Festival, and Pancake breakfast, etc.
- ii. Portable signs: One portable sign shall be permitted on any building site zoned for commercial use, unlighted and unilluminated and not to exceed a total of 16 square feet or five feet in height. Portable signs are not allowed in any road or pedestrian right-of-way.

5. Prohibited Signs

- a. Signs which resemble or conflict with any traffic-control device or conflict with safe and efficient flow of traffic.
- b. Signs which create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- c. Outdoor advertising signs (e.g. billboards).
- d. Advertising device/display.
- e. Banner signs.
- f. Roof signs.
- g. Signs facing the greenbelt on the ocean side of Pacific Coast Highway.

6. Sign Definitions

Except as defined by these regulations, signs shall have the same definitions per the Zoning and Subdivision Ordinance Chapter 233.

7. Lighted/Illuminated Signs

Lighted and illuminated signs shall be designed and installed so that direct light rays shall be confined to the premises.

8. Sign Measurements

a. Sign Area:

The entire area within which a single continuous perimeter of not more than eight straight lines enclose the extreme limits of writing.

Signs shall not exceed one square foot of sign area for each linear foot of building frontage. The total aggregate sign area for such signs shall not exceed 125 square feet for each property. If the building frontage of any business is less than 25 feet, only one sign, having a maximum area of 25 square feet, shall be permitted for each such business.

Signs for the purpose of identifying public access to the Ocean/Beach located at Anderson/Pacific Coast Highway and at Warner shall not exceed four square feet.

b. Sign Height:

The greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign. Signs shall not exceed the building height limit of the district in which they are located.

- i. Pole signs: Maximum height 25 feet.
- ii. Wall signs: Maximum height 35 feet.

3.3.7 Accessory Uses and Structures

In addition to the principal uses and structures expressly included in the Specific Plan, accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of the Specific Plan are permitted. Whenever there is a question as to whether a specific use or structure is permitted as an accessory use, the Community Development Director shall make the determination.

1. Discretionary action required.

Accessory uses and structures shall be subject to a discretionary action per Section 4.2 when one or more of the following apply:

- a. Required by other zoning regulations, or
- b. The principal use is subject to a discretionary permit and the accessory structure is over six feet in height.

2. Location of certain attached accessory structures.

Accessory structures that are attached to a main building, are enclosed, and are over eight feet in height shall comply with the setback requirements for a main building, except as provided in Section 3.3.7.

3. Location of other accessory structures.

Accessory structures other than in "2" above shall be permitted anywhere on the building site except within the following areas, unless otherwise permitted by Section 3.3.7.

- a. Within the ultimate right-of-way.
- b. Within the area designated on an approved building line plan as a setback area applicable to accessory buildings.

- c. Within those areas where fences and walls are limited to a maximum height of three and one-half feet, as specified in Section 3.3.5.
- d. Within the required front setback area unless provided for by a coastal development permit approved by the Zoning Administrator.
- e. Within the panhandle portion of a panhandle building site.

4. Height Limit

Accessory structures that are within the required setback areas shall be limited to 12 feet in height, unless it is within three feet of a property line, in which case it shall be limited to eight feet in height. However, the height limit may be increased pursuant to a variance approved by the Zoning Administrator.

5. Building site coverage within setback areas.

Accessory structures shall be limited to the following site coverage within the required setback area:

Required Setback Area	Enclosed Structure	Unenclosed Structure
Front	0%	0%*
Rear	25%	50%
Side	25%	50%

*Note: Up to 25 percent building site coverage of the required front setback area shall be allowed for unenclosed structures if provided for by a coastal development permit approved by the Zoning Administrator.

6. Garages and carports.

When alleys, private streets, or common driveways are provided specifically as vehicular access to garages and carports and when separate access and circulation systems are provided for pedestrians, guests, and emergency vehicles, attached and detached garages and carports may be placed anywhere within the rear setback area except within those areas where fences and walls are limited to a maximum height of three and one-half feet as specified in Section 3.3.5. See also Section 3.3.4.2.g.

7. Satellite dish antennas.

Satellite dish antennas shall be permitted in any residential district if one meter or less in diameter and permitted in any commercial district if two meters or less in diameter.

8. Swimming pools.

Swimming pools shall not be constructed within three feet of vehicular right-of-way or property line or within those areas described as access intersection areas and street intersection areas per Section 3.3.5.

3.3.8 Flood Plain District

The Huntington Beach Zoning and Subdivision Ordinance, Chapter 222 Floodplain Overlay District Regulations are hereby incorporated into the Sunset Beach Specific Plan and shall be applicable as designated by the current FEMA floodplain map. Finished floor elevations shall also be in compliance with Section 3.3 Site Development Standards.

4. Administration

The methods and procedures for implementation and administration of the Development Standards, as well as the guidelines and other conditions of this Specific Plan are prescribed below.

4.1 Enforcement of the Specific Plan

The City's Community Development Director shall administer the provisions of the Sunset Beach Specific Plan in accordance with the State of California Government Code, Subdivision Map Act, the Huntington Beach Municipal Code, the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the City's General Plan and the City's Local Coastal Program.

The Specific Plan development procedures, regulations, standards and specifications shall supersede the relevant provisions of the City's Zoning Code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Any development regulation and building requirement not addressed in the Specific Plan shall be subject to the City's adopted regulations in effect at the time of an individual request.

4.2 Methods and Procedures

The methods and procedures for implementation of the Specific Plan shall be on a project-by-project basis. The adoption of the Specific Plan alone will not require any improvements to the Specific Plan area. Physical improvements will only coincide with the approval of development projects. The Specific Plan is a regulatory document and is not intended to be a Development Agreement.

Coastal Development Permits

Coastal Development Permits shall be processed pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

Conditional Use Permits

Conditional Use Permits shall be processed pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

Tentative Maps

Tentative Tract or Parcel Map(s) shall be in compliance with the provisions and procedures of the Huntington Beach Zoning and Subdivision Ordinance. Tentative Maps require a Coastal Development Permit.

Variances

Variances shall be processed pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

Appeals

Any decision or determination may be appealed in accordance with applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the majority of Sunset Beach is in an appealable area such that coastal development permits approved by the local jurisdiction may be appealed to the California Coastal Commission. Permitted uses are subject to appeal to the California Coastal Commission per the Zoning and Subdivision Ordinance if within an appealable area.

Certificate of Occupancy

Certificates of Occupancy shall be processed pursuant to the City of Huntington Beach Municipal Code.

Sunset Beach LCP Review Board

The County's Sunset Beach LCP was developed largely through the vigorous efforts of the Sunset Beach community through the LCP Advisory Committee. Subsequent to the County's LCP adoption, the Board of Supervisors designated the Sunset Beach LCP Conformity and Violation Review Board (commonly known as the "LCP Board") as the official citizen's review group in Sunset Beach.

The Committee helped identify the community lifestyle and special needs of Sunset Beach. It recognizes the complex needs and limits of planning an area that is 96 percent developed. Coastal Act Policies have been applied with sensitivity to the existing community.

The Sunset Beach LCP Review Board provides continuing community participation in the long-term process of implementing the provisions of this Specific Plan. Such process does not replace the current mode of community participation, but provides a centralized forum for obtaining community opinion and for transmitting recommendations to the City. The LCP Review Board's specific function and membership is contained in a separate document titled "Bylaws of the Sunset Beach Advisory Committee (LCP Board)."

In addition, the Community Development Director shall forward the following items to the Sunset Beach LCP Review Board:

- All discretionary permit applications, special event permits and harbor permits for review and comment at least 21 calendar days prior to final action by the approving authority.

Any changes to floor plans or site plans associated with the discretionary permit shall be resubmitted to the Review Board prior to final action by the City.

- Requests for Special event signs and Portable signs.
- A copy of all Certificates of Occupancy issued by the City for their records.
- A copy of Certificates of Occupancy and encroachment permits issued for any use of public properties within three days of issuance for their records.

Nonconforming Uses and Structures

Nonconforming uses and structures are subject to the City of Huntington Beach Zoning and Subdivision Ordinance Chapter 236 except as otherwise noted in these regulations.

4.3 Specific Plan Amendments

The Specific Plan may be amended. The Community Development Director shall have the discretion to determine if requests for modification to the Specific Plan are minor or major. Minor modifications may be accomplished administratively by the Director. Major modifications will require the processing of a Zoning Text Amendment and Local Coastal Program Amendment, subject to the City's processing regulations in place at the time of the request.

Minor modifications are simple amendments to the exhibits and/or text that are intended to clarify and not change the meaning or intent of the Specific Plan. Major modifications are amendments to the exhibits and/or text that are intended to change the meaning or intent of the Specific Plan.

Proposed amendments for both minor and major modifications shall be forwarded to the Sunset Beach LCP Review Board by the Community Development Director at least 21 days prior to action by the Planning Commission.

4.4 Severability

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The City hereby declares that it would have adopted these titles and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

Appendices

A. Legal Description

EXHIBIT A
PROPOSED "SUNSET BEACH ANNEXATION (AN 10-__)"

That portion of fractional Section 24, Township 5 South, Range 12 West, and those portions of fractional Sections 19 and 30, Township 5 South, Range 11 West, of the San Bernardino Meridian, in the County of Orange, State of California according to the official plat of said land filed in the District Land Office described as follows:

Beginning at the northerly terminus of that certain course in the boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 920 of said city shown as having a bearing and distance of "South 21° 43' 12" West, 249.38 feet", said northerly terminus also being the most easterly corner of Tract No. 21 as per map recorded in Book 9, Page 22 of Miscellaneous Maps, in the office of the County Recorder of said County; thence along said City Boundary Line the following courses:

Course 1: South 21°43' 12" West a distance of 249.38 feet,

Course 2: South 07°56'07" West a distance of 53.74 feet to a point being in a curve concave to the northeast having a radius of 2940 feet; a radial line of said curve from said point bears North 44°12'36" East,

Course 3: Southeasterly a distance of 63.71 feet along last mentioned curve through a central angle of 01°14'30",

Course 4: South 47°01'54" East a distance of 279.29 feet to the beginning of a tangent curve concave to the southwest having a radius of 3060 feet,

Course 5: Southeasterly a distance of 195.23 feet along said last mentioned curve through a central angle of 03°39'20",

Course 6: South 43°22'34" East a distance of 1599.82 feet to the beginning of a tangent curve concave to the southwest having a radius of 3050 feet,

Course 7: Southeasterly a distance of 183.58 feet along said last mentioned curve through a central angle of 03°26'55", to a point on a line parallel with and 30.00 feet southerly, measured at right angles, from the centerline of Los Patos Avenue (Warner Avenue) as said centerline is shown on a map filed in Book 53, Page 40 of Records of Survey in the office of said County Recorder, said point being the most southwesterly corner in the boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 3489 of said city; thence leaving said city boundary,

Course 8: South 89°51'53" West a distance of 377.41 feet along said parallel line to a point in the boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 1126 of said city, said point also being southeasterly along said City Boundary line 40.61 feet from the northwesterly terminus of that certain course shown as having a bearing and distance of "North 42°28'13" West, 1816.06 feet"; thence along said City Boundary Line,

EXHIBIT A
PROPOSED "SUNSET BEACH ANNEXATION (AN 10-__)"

Course 9: North 43°23'54" West a distance of 40.61 feet,

Course 10: South 89°51'53" West a distance of 291.59 feet,

Course 11: South 49°10'33" West a distance of 344.56 feet to a point in the Mean High Tide Line of the Pacific Ocean as shown on Record of Survey 2010-1097 recorded in Book 241, Page 3 in the office of the County Recorder of said County, said point also being the southeasterly terminus of that certain course shown as having a bearing and distance of "North 41°43'52" West, 388.69 feet"; thence along said Mean High Tide Line the following courses:

Course 12: North 42°38'49" West a distance of 388.69 feet,

Course 13: North 44°46'59" West a distance of 1085.55 feet,

Course 14: North 44°33'21" West a distance of 1283.71 feet,

Course 15: North 43°44'38" West a distance of 1709.89 feet,

Course 16: North 41°23'09" West a distance of 968.62 feet,

Course 17: North 47°20'53" West a distance of 703.78 feet to a point in the southeasterly City Boundary Line of the City of Seal Beach, County of Orange, State of California, said boundary having been established as Annexation No. 76-1 to said city, said point also being distant southwesterly along said City Boundary line 368.70 feet from the easterly corner of said Annexation No. 76-1; thence leaving said Mean High Tide Line and along said City Boundary Line,

Course 18: North 49°35'36" East a distance of 368.70 feet to the most easterly corner of said Annexation No. 76-1, said corner also being the most southerly corner in said city boundary established as Annexation No. 67-1 to said city; thence along said City Boundary Line,

Course 19: North 49°35'36" East a distance of 511.00 feet to the most westerly corner in the boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 919 of said city, said corner being in a curve concave to the southwest having a radius of 1060 feet, a radial line of said curve from said point bears South 25°58'14" West (South 26°05'34" West per said Ordinance No. 919); thence along said City Boundary Line the following courses:

Course 20: Southeasterly a distance of 380.17 feet along said last mentioned curve through a central angle of 20°32'58",

EXHIBIT A
PROPOSED "SUNSET BEACH ANNEXATION (AN 10-__)"

Course 21: South 43°28'48" East a distance of 389.02 feet to the beginning of a tangent curve concave to the southwest having a radius of 1060 feet,

Course 22: Southeasterly a distance of 341.40 feet along said last mentioned curve through a central angle of 18°27'12",

Course 23: South 25°01'36" East a distance of 63.84 feet to the beginning of a tangent curve concave to the northeast having a radius of 940 feet,

Course 24: Southeasterly a distance of 117.68 feet along said last mentioned curve through a central angle of 07°10'23",

Course 25: South 32°11'59" East a distance of 35.23 feet to the beginning of a tangent curve concave to the northeast having a radius of 940 feet,

Course 26: Southeasterly a distance of 186.20 feet along said last mentioned curve through a central angle of 11°20'58",

Course 27: South 43°32'57" East a distance of 563.44 feet along to the beginning of a tangent curve concave to the northeast having a radius of 940 feet,

Course 28: Southeasterly a distance of 136.93 feet along said last mentioned curve through a central angle of 08°20'46",

Course 29: South 51°53'43" East a distance of 179.28 feet to the most southerly corner of said Ordinance No. 919 of said city,

Course 30: North 46°31'47" East a distance of 323.43 feet to the most easterly corner of said Ordinance No. 919 of said city, said corner also being a point along that certain course in the southwesterly boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 800 of said city, a distance of 1008.96 feet from the northwesterly terminus of that certain course shown as having a bearing and distance of "North 42°45'00" West, 2727.12 feet"; thence along said City Boundary Line,

Course 31: South 42°28'34" East a distance of 980.00 feet to the most northerly corner in the boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 1089 of said city; thence along said City Boundary Line,

Course 32: South 46°45' 11" West a distance of 55.00 feet,

Course 33: South 43°14'49" East a distance of 375.00 feet,

Course 34: North 46°45'11" East a distance of 15.00 feet,

Course 35: South 43°14'49" East a distance of 111.77 feet,

EXHIBIT A
PROPOSED "SUNSET BEACH ANNEXATION (AN 10-__)"

Course 36: North 75°46'26" East a distance of 33.80 feet along said City Boundary Line to an intersection with that certain course in the southwesterly boundary line of the City of Huntington Beach as established by City Annexation in Ordinance No. 800 of said city, said intersection also being northwesterly along said southwesterly boundary 261.60 feet from the southeasterly terminus of that certain course shown as having a bearing and distance of "North 42°45'00" West and a length of 2727.12 feet"; thence along said City Boundary Line,

Course 37: South 42°28'34" East a distance of 261.60 feet,

Course 38: South 47°13'34" East a distance of 35.00 feet to the Point of Beginning.

Containing an area of 133.88 acres, more or less.

Attached hereto and made a part hereof is a map designated as *EXHIBIT B*.

SURVEYOR'S CERTIFICATE

This proposal was prepared by me or under my supervision.

Jeremy L. Evans
Jeremy L. Evans, PLS 5282
Expires: December 31, 2011

9-8-2010
Date:



This proposal does meet the approval of the Orange County Surveyor's Office.

Dated this _____ day of _____ 201__.

By: _____
Raymond L. Mathe, County Surveyor
PLS 6185, Expiration Date: March 31, 2012



tony sellas <tony.sellas@gmail.com>

Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

1 message

tony sellas <tony.sellas@gmail.com>

Tue, Sep 22, 2020 at 10:04 AM

To: "Cortez, Joanna" <Joanna.Cortez@surfcity-hb.org>

Hi Joanna,

You're correct. The old definition of a parking structure allowed a single story parking structure. The new definition does not. Therefore you are correct in that the City Council outlawed the single story parking structure. This project has a single story parking structure and is in violation of the zoning codes found in 206.03.

If you are going to call the parking garage structure something else, please provide the zoning code that supports your claim. Otherwise you will be committing fraud and intentionally misleading me and the public.

I will be appealing the project to the Planning Commission and the City Council.

Sincerely,

Tony Sellas

On Thu, Sep 17, 2020 at 4:30 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi Tony,

The project was approved with modifications. The approved site plan is attached. The proposed parking is not considered a parking structure based on City Council's zoning text amendment approval. The following is the link to the Zoning Text Amendments that were approved by the City Council: <https://huntingtonbeach.legistar.com/LegislationDetail.aspx?ID=4316840&GUID=C596B6FA-37E1-49C6-9E0E-A0CA6F36FECC> Please see Attachment No. 3 for the parking structure definition.

The notice of action should be posted soon on the City's website and the minutes of the meeting will be posted in the next week.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>**Sent:** Thursday, September 17, 2020 3:47 PM**To:** Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>**Subject:** Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Can you please send me the meeting details

Thank you,

Tony

On Thu, Sep 17, 2020, 9:50 AM tony sellas <tony.sellas@gmail.com> wrote:

Hi Joanna,

What was the verdict of the meeting yesterday concerning the parking garage structure?

Please provide the details.

Thank you,

Tony

On Wed, Sep 16, 2020 at 1:46 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

I'm sorry you are having trouble joining the meeting, but once again, here is the password: 176830. We will wait for you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Wednesday, September 16, 2020 1:43 PM

To: Gates, Michael <Michael.Gates@surfcity-hb.org>; Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Fwd: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Dear Mr. Gates,

I am trying to call in and protest a zoning administration projection.

The password code does not work. Attached is the Zoning Administration's agenda with the password.

This is a very important meeting i am current denied to participate in.

I am sending the you to document the failure on Zoning Administrator to provide the correct code.

The meeting was called off early this morning then I received another email say it was back on. Please see the entire email correspondence below with the planner Joanna Cortez.


What action do I need to take to resolve this issue.

Thank you,

Tony Sellas

Zoning Administrator
Wednesday, September 16, 2020
1:30 PM - Regular Meeting
AGENDA

JOANNA CORTEZ, Associate Planner
 ISELA SIORDIA, Administrative Secretary



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

Zoning Administrator
 RICKY RAMOS, Senior Planner

DUE TO GOVERNOR NEWSOM'S EXECUTIVE ORDER and the City Council's Declaration of Local Emergency regarding the Covid-19 pandemic, the City will be holding the Zoning Administrator public hearing via the Zoom meeting platform. Public comments may be submitted via two options:

- 1) Submit written comments to community.development@surfcity-hb.org (reference Zoning Administrator and the agenda item number) by 10:00 AM the day of the meeting. If you would like your e-comment read aloud at the hearing, please indicate so in your email, or
- 2) Join the meeting remotely from your phone.

Please let staff know at the start of the meeting that you wish to speak on a particular item. You will have **THREE MINUTES** to speak, per person, no donating of time. The following is the phone number for the Zoom meeting and dial-in instructions:

a. Phone Number: +1 866 900 5633 US (toll free)
b. Meeting ID: 460 3157 8231

Any interested parties can participate in the public hearing via telephone. The dial-in information is the same as Option 2, which is listed above. All interested parties are invited to contact the staff planner at 714-536-5271 before the meeting if you have any questions about the project or if you need information or participating in the public hearing.

CALL TO ORDER

PUBLIC COMMENTS

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Zoning Administrator can take no action on this date, unless the item is agendaized. Anyone

----- Forwarded message -----

From: **tony sellas** <tony.sellas@gmail.com>

Date: Wed, Sep 16, 2020 at 1:34 PM

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)


To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Hi Joanna,

The password is not working. What is the correct password?

Zoning Administrator
Wednesday, September 16, 2020
1:30 PM - Regular Meeting
AGENDA

JOANNA CORTEZ, Associate Planner
 ISELA SIORDIA, Administrative Secretary



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

Zoning Administrator
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Any interested parties can participate in the public hearing via telephone. The dial-in information is the same as Option 2, which is listed above. All interested parties are invited to contact the staff planner at 714-535-5271 before the meeting if you have any questions about the project or if you need information or participating in the public hearing.

CALL TO ORDER

PUBLIC COMMENTS

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Zoning Administrator can take no action on this date, unless the item is agendaized. Anyone

On Wed, Sep 16, 2020 at 11:34 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

The applicant has decided to proceed with today's meeting. Please feel free to join us today at 1:30. I apologize for any confusion. Thank you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Wednesday, September 16, 2020 10:01 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Thank you for the update.

I do appreciate your work on this project and taking time to answer my questions.

I have reviewed many plans and so far yours are the best. You are very thorough. For example I never seen Cal Trans approvals on any plans. I will request that moving forward.

You required the 1:1 replacement of on street parking. Many planners in the residential district are approving townhomes and removing on-street public parking without replace it.

As the developer said, Sunset Beach is a very special place and the parking garage structures with no setbacks is a big deal.

Sunset Beach, safety and public access is something to fight for.

Thank you again.

Tony Sellas

On Wed, Sep 16, 2020, 9:27 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi Tony,

Just wanted to inform you that today's item has been continued to a future ZA meeting; I do not have that date right now.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Tuesday, September 15, 2020 8:59 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

I am opposed to this project. Please submit this entire email thread and my presentation as proof to my opposition for the 9/16/2020 Zoning Administration meeting CDP 20-012, mix use project located at 16655 PCH 90742.

If this project passes I will be appealing it to the Planning Commission and the City Council.

The issues are listed below.

1. Per the project's drawings, the commercial parking garage is a parking structure. Per the HB zoning code [231.18 Design Standards \(G\)](#) parking structure/garages are required to be approved by the Planning Commission and reviewed and approved by the Design Review Board. The planner Joanna Cortez gave false information on 9/15/2020 stating the documented parking garage is a "surface/ground level parking". Ms Cortez refused to provide the zoning code or the term located in the project's drawing that supported her claim that the parking garage structure is really a "surface/ground level parking".
2. Public safety issue - The car aisle width is only 23 ft wide. Should the width be 26 ft wide required by 231.14.
3. Public safety issue - Will the car parked in the parking space #1 need to back up onto the sidewalk and PCh to exit the structure?
 4. Public safety issue - The parking garage for the residential needs to have a 5 ft. setback per the SBSP
 5. Public safety issue - Does the parking structure's driveway exiting onto North Pacific require a wider driveway view angle to the drive to see oncoming traffic and pedestrians.
6. The resident portion is not located above the primary principal use, but above the parking garage. The parking garage is not the principal permitted use. The resident is adjacent to the primary permitted use.

Thank you,

Tony Sellas

On Tue, Sep 15, 2020 at 2:37 PM tony sellas <tony.sellas@gmail.com> wrote:

There is no such description in the zoning codes.

If there is you need to send it to me.

Please used the description defined in the plans "Parking Garage". The phrase "surface/ground level parking is not used in the plans or the zoning codes and is a fraudulent statement meaning to deceive me.

The staff has no authority to create zoning code on their own.

The hb zoning code 203.06 definition for a Parking structure is " a structure used for parking of vehicles (the plan states a parking garage) where parking radius (radius for the parking spaces) and drive aisle are incorporated within the same structure"

The hb zoning code 203.06 defines a Structure as "anything constructed or erected that requires a location on the ground.." in this case the structure is a

"surface/ground level parking" garage structure or parking structure.

The "parking garage structure" as described by the plans is used to park 12 cars for the commercial business. The business sits on top of the 2nd floor of the parking garage structure.

The parking structure requires an approval of the Design review Board and approved by the Planning Commission.

Please do not commit fraud.

Regards,

Tony

On Mon, Sep 14, 2020, 4:52 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

The commercial parking is surface/ground level parking. It is not a parking structure.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Monday, September 14, 2020 3:25 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

I don't mean to bother you, but I want to make sure I receive the answer before the end of the day.

The questions was

On page 5, I see the parking garage for the residents has a garage door. Will the parking garage for the commercial section have a garage door on the entrance and exit as well?
Or is the parking garage more or less a parking structure?
Thanks,

On Mon, Sep 14, 2020 at 9:06 AM tony sellas <tony.sellas@gmail.com> wrote:

Hi Joanna,

I see. I didn't think Cal-Trans approval was required. It would be nice if Cal trans would put a cross walk by the Starbucks. It is crazy around there during the summer months.

I have one other question please.

On page 5, I see the parking garage for the residents has a garage door. Will the parking garage for the commercial section have a garage door on the entrance and exit as well?
Or is the parking garage more or less a parking structure?
Thanks,

On Mon, Sep 14, 2020 at 8:38 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Tony,

We ask applicants to begin working with Caltrans early in the project. Caltrans approval is required by the City but not necessarily at the time of entitlement submittal.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>
Sent: Thursday, September 10, 2020 10:21 AM
To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>
Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Ok. I learning.

Was the Cal trans approval required by the City?

Or does the developer have to submit plans to cal trans for their approval?

Sorry for the off the wall questions.

Tony

On Thu, Sep 10, 2020, 10:09 AM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Tony,

That document was not part of the submittal but I will forward your request to the applicant. Thank you.

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Thursday, September 10, 2020 10:04 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Can you please send me the Cal Trans approval paper work or application for the PCH driveway and handycap curb on the corner?

Thank you,

Tony Sellas

On Tue, Sep 8, 2020, 6:18 PM tony sellas <tony.sellas@gmail.com> wrote:

Thanks Joanna,

That is interesting.

One more question please. On page 2, I noticed the driveway was approved per Cal-Trans. Can you please provide the Cal-Trans approval?

I am interested in what the application/paperwork it looks like.

Thanks,

Tony

On Tue, Sep 8, 2020 at 4:51 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Hi tony,

Yes, that is correct.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Tuesday, September 8, 2020 4:27 PM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Re: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna,

Thank you for the plans. The project looks good. It was hard to visualize the project from the written description.

I have a question about the zoning matrix on page 1 of the report. Below is the highlighted section of the matrix.

Does SBSP 3.3.4 B2 (replacing existing on street parking at a 1:1 ratio) mean if the project removes an on street public parking spot it must be replaced?

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Thanks, Tony

On Tue, Sep 1, 2020 at 8:21 PM Cortez, Joanna <Joanna.Cortez@surfcity-hb.org> wrote:

Good evening,

I have attached a copy of the plans per your request. Please note the public hearing has been continued to September 16th.

Best,

Joanna Cortez | 714.374.1547

From: tony sellas <tony.sellas@gmail.com>

Sent: Saturday, August 29, 2020 11:06 AM

To: Cortez, Joanna <Joanna.Cortez@surfcity-hb.org>

Subject: Request to review plans: CUP NO. 20-012 (PCH MIXED USE BLDG.)

Hi Joanna Cortez,

Since access is restricted to review the plans, can you please send me the basic plans drawings for the building's layout and position on the lot?

Thank you,

Tony Sellas

The project is listed below.

Zoning Administrator AGENDA September 2, 2020

20-1849 CONDITIONAL USE PERMIT NO. 20-012 (PCH MIXED USE BLDG.)

REQUEST:

To permit the construction of a three-story mixed use building consisting of: 1) a three-story, 5,968 sq. ft. restaurant with 545 sq. ft. of outdoor dining and the sale, service, and consumption of alcohol (ABC License Type 47); 2) ground level parking to serve the commercial use; and 3) a three-story 1,716 sq. ft. townhome with a 364 sq. ft. two-car garage and an 825 sq. ft. roof top deck. The project is located in the non-certified Sunset Beach Specific Plan area and includes a review via an "approval in concept" process for the construction of the project.

LOCATION:

16655 Pacific Coast Highway, 92649 (northeast corner of PCH and 18th St. - Sunset Beach