

**TABLE C-3  
Public Parking Opportunities within Coastal Divisions**

| Coastal<br>Zone Division<br>(Figure C-4) | Parking<br>Location           | Free<br>Parking<br>Spaces     | Metered<br>Parking<br>Spaces | Total<br>Parking<br>Spaces | Comments                        |
|--|-------------------------------|-------------------------------|------------------------------|----------------------------|---------------------------------|
| <b>Zone 1</b>                            | PCH (on-street)*              | 300                           |                              | 300                        | \$1.00/hour<br>4 hr.<br>maximum |
|  | Peter's Landing               | 630                           |                              | 630                        |                                 |
|  | HH Yacht Club                 |                               | 76                           | 76                         |                                 |
|  | Sunset Beach*                 | <del>672</del> <b>660</b>     |                              | <del>672</del> <b>660</b>  |                                 |
| <b>Zone 2</b>                            | Bolsa Chica State<br>Beach    |                               | 2200                         | 2200                       | \$5.00/day                      |
|  | PCH (on-street)               |                               | 324                          | 324                        | \$1.50/hour                     |
| <b>Zone 3</b>                            | PCH (on-street)               |                               | 260                          | 260                        | \$1.50/hour                     |
|  | Surf Theatre Lot              |                               | 39                           | 39                         | Permit Only                     |
| <b>Zone 4</b>                            | Pier Plaza                    |                               | 421                          | 421                        | \$1.50/hour                     |
|  | Main Promenade                |                               | 815                          | 815                        | \$1.50/hour                     |
|  | PCH (on-street)               |                               | 486                          | 486                        | \$1.50/hour                     |
|  | Business Streets              |                               | 206                          | 206                        | \$1.50/hour                     |
|  | Residential Streets           |                               | 218                          | 218                        | \$1.50/hour                     |
|  | City Beach Lot                |                               | 250                          | 250                        | \$1.50/hour                     |
|  | City Beach Lot                |                               | 1813                         | 1813                       | \$7.00/day                      |
| <b>Zone 5</b>                            | HB State Beach                |                               | 1200                         | 1200                       | \$5.00/day                      |
|  | PCH/River (inland)            | 110                           |                              | 110                        | \$1.50/hour                     |
|  | PCH/River (ocean)             | 75                            |                              | 75                         |                                 |
|  | Beach Blvd. (1600'<br>inland) |                               | 83                           | 83                         |                                 |
|  | Newland to channel            | 75                            |                              | 75                         |                                 |
|  | Magnolia to channel           | 81                            |                              | 81                         |                                 |
|  | Brookhurst to<br>channel      | 22                            |                              | 22                         |                                 |
| <b>TOTAL</b>                             |                               | <del>1,965</del> <b>1,953</b> | 8,481                        | 10,446 <b>34</b>           |                                 |

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

#### *Commercial Parking*

Much emphasis has been placed on providing adequate parking for commercial facilities in the Coastal Zone to ensure that commercial parking demands do not negatively impact recreational beach user parking. This issue was especially significant when planning for the re-development of the City's Downtown area into a dense node of visitor serving commercial facilities. The unique parking issues of the Downtown area have been resolved through the development and implementation of the Downtown Huntington Beach Parking Master Plan (see Technical Appendix). The Downtown Huntington Beach Parking Master Plan was adopted in 1993 and provides for shared parking facilities including on-street parking, lots and nearby municipal parking structures. Annual reports and modifications of the Master Plan, if needed, will serve to ensure that adequate parking facilities are provided for existing and planned commercial uses in the Downtown area. Other commercial areas within the City's Coastal Zone, but outside the downtown area, meet their parking needs through implementation of the City's Zoning

**Direct Access**

The City's nine **approximately 9.5** miles of shoreline (including the residential co-op located on the west side of the Pier which is on land leased from the State) are under public ownership and are designated for public recreational use. Consequently, opportunities for direct physical access to the shoreline are excellent.

Direct pedestrian access to the shoreline is provided at several intervals along the entire length of the Coastal Zone, including a new shoreline access (a stairway and a handicap access ramp) constructed at Seapoint Avenue and Pacific Coast Highway near the planned Harriett M. Wieder Regional Park. Access to the Huntington Harbour waterways is somewhat limited due to the residential nature of the surrounding area, but could be enhanced through increased public awareness of existing access points. Additional access points may be provided through re-development or when existing uses are improved. **Access to the shoreline in Sunset Beach is excellent: there are 27 street-end locations through the residential areas located every 200 feet along the approximately one mile long beach frontage.**

## Public Recreational and Visitor Serving Commercial Facilities

### Public Recreational Resources

Coastal Act policy promotes the protection of coastal resources while accommodating public demand for such resources. Further, Coastal Act policy promotes the protection of recreational and lodging opportunities for low and moderate income persons. Huntington Beach is known internationally for its temperate climate, excellent surfing beaches, and plentiful recreational amenities and opportunities. Consequently, millions of visitors are attracted to the City's shoreline each year (an estimated 9.6 million in 1998). As the general population grows, the demand for year round recreational resources along the coastline will also grow. Coastal Element policy recognizes the City's responsibility to balance the need to provide adequate recreational facilities to serve the greater than local community, while protecting the resources and character of its Coastal Zone. An overview of Huntington Beach's most significant recreational resources is described below. **Figure C-16** identifies the location of these resources.

### *Beaches*

The City's Coastal Zone contains over ~~nine~~ **9.5** linear miles of sandy beach shoreline area encompassing approximately ~~380~~ **409** acres. The ~~three~~ **four** beaches in Huntington Beach are Bolsa Chica State Beach and Huntington State Beach, which are operated by the State Department of Parks and Recreation, and Huntington City Beach **and Sunset Beach**, which ~~is~~ **are** operated by the City. **Sunset Beach includes approximately 1 mile of shoreline between the City of Seal Beach and Bolsa Chica State Beach.** Bolsa Chica State Beach includes ~~six~~ **slightly more than five** miles of shoreline between Warner Avenue and the Municipal Pier. Huntington City Beach includes approximately one mile of shoreline between the Municipal Pier and Beach Boulevard. Huntington State Beach consists of the two mile shoreline area between Beach Boulevard south to the Santa Ana River. All of the beach area is in public ownership. The entire beach area is designated as open space in the Coastal Element Land Use Map.

Recreational opportunities at the City's beaches are extensive and include activities such as sunbathing, swimming, surfing, bodysurfing, sand volleyball, skin and scuba diving. Huntington Beach is known as one of the best surfing areas on the west coast and has hosted numerous national and international surfing contests. Its renowned surf is a result of the shoreline's long, gradually sloped beach gradient and location in relation to ocean swells. Fire rings are provided for barbecues and evening camp-fires. Offshore clam beds and a variety of game fish attract divers and surf fisherman to the Huntington Beach shoreline. In addition, the Coastal Bikeway, a regional Class I Bikeway, extends the length of the shoreline in Huntington Beach (it continues south to Newport Beach and north to Seal Beach). This paved bikeway provides for bicycle riding, jogging, roller blading, walking and similar activities separated from vehicular traffic. Proposed improvements include widening the existing Coastal Bikeway within Huntington Beach from its existing average width of 12 to 15 feet to twenty feet.

**There are five small beaches in the Huntington Harbour and Sunset Beach areas. The beaches range in size from one-fifth to three quarters of an acre. Non-trailerable boats may be launched from these beaches and some are used for sunbathing, swimming and general beach recreation.**

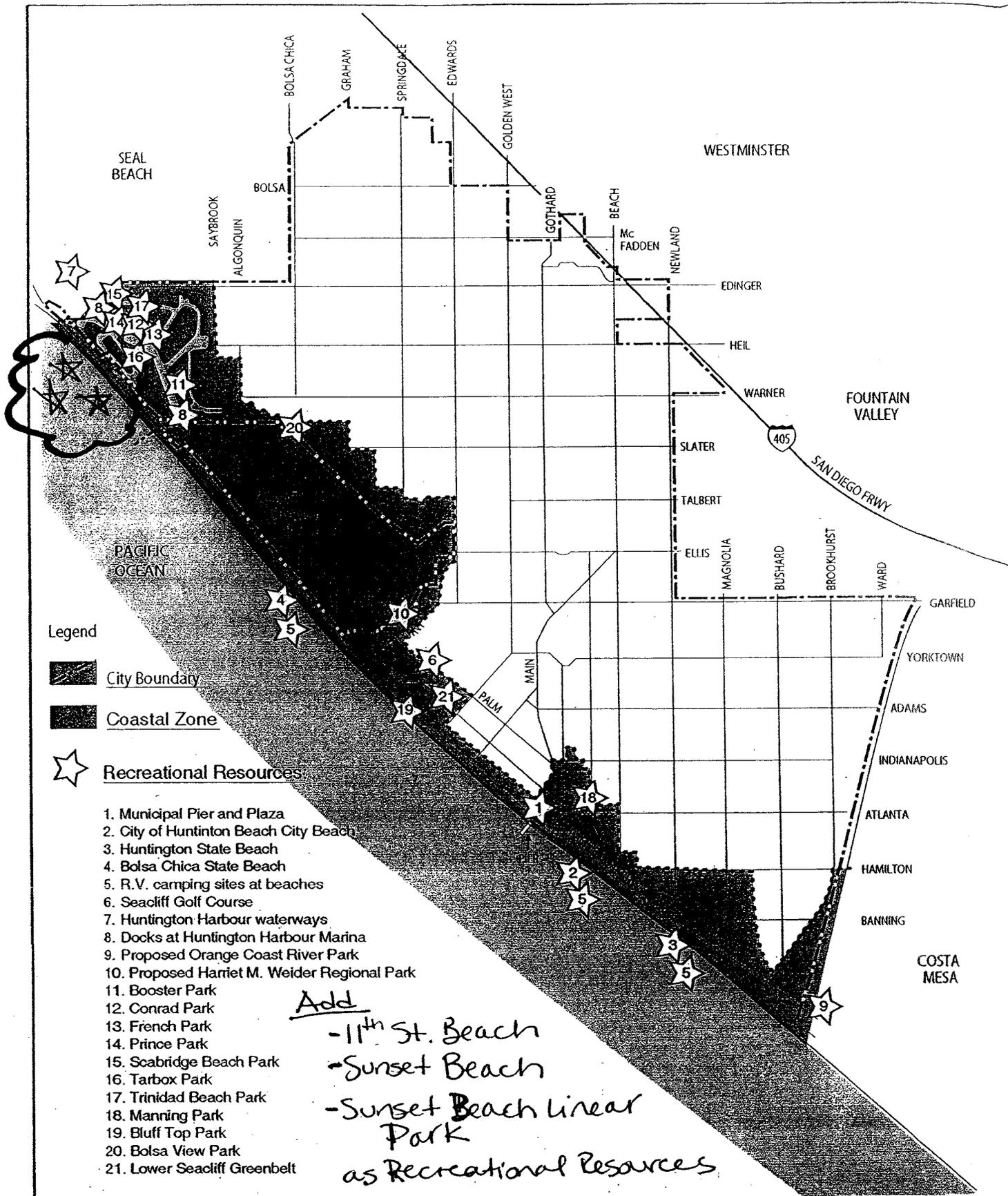
***Municipal Pier and Plaza***

The City's Municipal Pier is located at the intersection of Main Street and Pacific Coast Highway and serves as the focal point of the City's Coastal Zone. The Pier, which was re-built and opened in 1992, is 1,856 feet long, 30 feet wide and 38 feet above the mean low water level. It is constructed of reinforced concrete. It includes a variety of visitor serving and recreational amenities, including a restaurant, community access booth, lifeguard tower and observation and recreational fishing platforms. Visitors can use the Pier to sight see, stroll, fish and dine. Coastal Element policy, among other things, limits building heights on the pier to a maximum of 2 stories/35 feet. Coastal Element policy also requires that public access around the entire perimeter of the pier be maintained. Proposed enhancements to the Pier include a funicular/trolley system to transport pedestrians from the Plaza area to the end of the Pier and back.

The Main Pier Plaza has more than eight acres of public space located at the base of the Municipal Pier on the ocean side of Pacific Coast Highway, between First and Seventh Streets. The public plaza includes a palm court, a 230 seat amphitheater, a spectator area, accessways to the beach and lawn, restrooms and concessions, bicycle parking facilities and automobile parking. Pier Plaza was designed as a community focal area where public speaking forums, surfing competitions, foot races, outdoor concerts and similar events are held.

***Parks***

Other than the sandy shoreline area itself, existing parks in the Coastal Zone include those listed in **Table C-4** below and depicted in **Figure C-16**.



**SIGNIFICANT RECREATIONAL RESOURCES**  
 CITY OF HUNTINGTON BEACH COASTAL ELEMENT



ATTACHMENT NO. ~~3.31~~

NC62

8.65

**TABLE C-4  
Coastal Zone Parks**

| LOCATION  | SIZE/Acres                         |
|---|------------------------------------|
| <b>Zone 1</b>   |                                    |
| Booster Park – Baruna and Davenport   | <del>1.00</del> <u>0.85</u>        |
| Conrad Park – Aquarius and Trinidad   | <del>3.02</del> <u>2.71</u>        |
| <b><u>Davenport Beach – 4031 Davenport Dr.***</u></b>                         | <b><u>0.46</u></b>                 |
| French Park – Venture @ Harbor Channel***                                     | <del>0.50</del> <u>0.33</u>        |
| <b><u>Humboldt Beach – 4141 Humboldt Dr.***</u></b>                           | <b><u>0.48</u></b>                 |
| Prince Park – Typhoon and Venture   | <u>0.22</u>                        |
| Seabridge Beach Park – 3222 Countess  | <del>4.53</del> <u>3.91</u>        |
| <b><u>Sunset Beach Linear Park – between N. and S. Pacific Avenues**</u></b>  | <b><u>6.41</u></b>                 |
| Tarbox Park – Wellington and Melville   | <del>0.50</del> <u>0.44</u>        |
| Trinidad Beach Park – Trinidad @ Long Channel***                              | <del>1.00</del> <u>0.75</u>        |
| <b><u>11<sup>th</sup> Street Beach – 11<sup>th</sup> St. &amp; PCH***</u></b> | <b><u>0.17</u></b>                 |
| <b>Zone 2</b>   |                                    |
| Bolsa View Park-Brighton and Crestmoor  | <del>3.02</del> <u>2.70</u>        |
| <b>Zone 3</b>   |                                    |
| <b><u>Pattinson Park</u></b>  | <b><u>3.51</u></b>                 |
| Harriett M. Wieder Regional Park  | *111.00                            |
| Bluff Top Park  | <del>20.01</del> <u>19.66</u>      |
| <b><u>Bailey-Lower Seaciff Greenbelt Island Bay and Palm</u></b>              | <b><u>0.50</u></b> <u>0.59</u>     |
| <b>Zone 4</b>   |                                    |
| Manning Park – Delaware and Detroit   | <del>2.52</del> <u>2.46</u>        |
| <b>Total Acres</b>  | <b><u>147.71</u></b> <u>156.65</u> |

\*At present, 49 acres of the 111 total are privately owned, to be dedicated, per agreement, at a later date.

**\*\*The 6.41 acres represents the tot lot, restrooms, walking path and adjacent landscape areas. In addition to the park space there are approximately 6.6 acres of public parking.**

**\*\*\*Beach Park**

Proposed parks include the Harriett M. Wieder Regional Park (formerly known as the Bolsa Chica Linear Park) and the Orange Coast River Park. Land for the Regional Park has been identified (approximately one-third has been dedicated and is in public ownership). A development plan for the park has been devised through coordinated efforts between the City and County of Orange. Once developed, the Harriett M. Wieder Regional Park will connect Central Park to the coastline via the Huntington Beach bluffs, at Seapoint and Goldenwest. The Regional Park will provide views and linkages to the Bolsa Chica wetlands as well.

The Orange Coast River Park is in the early stages of planning at this time. The present conceptual plan for the park is to link parks from inland cities to the coastline via the Santa Ana River trail. The Orange Coast River Park is proposed to extend north from the Santa Ana River, in Huntington Beach, along the inland side of Pacific Coast Highway to Beach Boulevard. Feasibility studies for the park concept are now underway. Coastal Element policy supports and promotes the maintenance and preservation of existing parks, the development of the planned Harriett M. Wieder Regional Park, and further study of the feasibility of the proposed Orange Coast River park.

#### ***Recreational Vehicle Camping***

The Sunset Vista Camper Facility, located on Pacific Coast Highway in the Huntington City Beach parking lot at First Street, is a City-operated recreational vehicle camping site offering 150 spaces from September 15 through May 31 annually. The facility allows camping immediately adjacent to the beach sand area.

In addition, the State Department of Parks and Recreation allocates 50 spaces for enroute overnight camping at both Huntington State Beach and Bolsa Chica State Beach. Campers pay a nominal fee per night and are required to check in after 8:00 p.m. and leave by 9:00 the following morning. The RV spaces made available under this program are for year-round use. The City Beach also offers a similar program for enroute RV camping between June 1 and September 14, annually. Coastal Element policy promotes the preservation of these opportunities and expansion of the camping program at the State beaches to mirror the overnight program permitted at the City beach parking lot.

#### ***Trails and Bikeways***

The City boasts an extensive trail system that can be used by bicyclists, roller bladers, joggers and strollers. The Coastal Zone includes a Class I trail that runs the entire length of the Coastal Zone and is linked to regional bikeways. It also includes several east west bikeways that access the City's Coastal Zone, and a major trail along the Santa Ana River. In addition, the County has plans for a future riding and hiking trail that will extend from the existing riding and hiking trail system in Central Park, which is just outside the City's Coastal Zone boundary, along the proposed Harriett M. Wieder Regional Park to points near the shoreline. The County's Master Plan of Regional Riding and Hiking Trails identifies two regional trails within the City's Coastal Zone: the Santa Ana River Trail and the Huntington Beach Trail. The Commuter Bikeway Strategic Plan (the regional bikeways plan for Orange County) identifies three regional Class I bikeways within the Coastal Zone: the Santa Ana River Bikeway, Wintersburg Channel Bikeway and the Coastal Bikeway. (Figure C-14.)

#### ***Golf Courses***

There is one private (no public) golf course in the City's Coastal Zone: Seacliff Country Club. It is an eighteen hole course located on Palm Avenue, west of Goldenwest Street.

#### ***Huntington Harbour***

Huntington Harbour is an 860 acre residential development oriented around a network of manmade channels located in the northwest corner of the City. The channel system covers a surface area of 225 acres and houses approximately 2,300 mostly private boat slips. The waterways, which are available for public use, provide significant opportunities for boating. Access to the channels is provided in several areas where boats and boat slips may be rented, and by the City operated boat ramps (Percy Dock and Warner Dock) located near the Warner Avenue

Fire Station. The Percy Dock also provides City operated parking. An additional boat ramp, French Dock, that can accommodate large boats is available at the Sunset Aquatic Regional Park immediately north of Huntington Harbour within the City of Seal Beach. The entrance to the Huntington Harbour channels is located at the northwest end of the harbor and passes under a bridge at Pacific Coast Highway.

Some of the recreational opportunities in Huntington Harbour are private, accessible only to Harbour residents. However, a number of public recreation areas are available. Trinidad Island includes a 2.7 acre greenbelt park (**Conrad Park**) with a bicycle/pedestrian path, two small vista parks, a fishing dock and a walkway around half the island. A 4.4 **3.9** acre City neighborhood park is also located on Seabridge Peninsula. The Harbour area also includes three small beaches and parks accessible to the public.

The developed status of Huntington Harbour dictates the current state of public access in the area. In the event that new development, or significant redevelopment, fronting a channel area does occur, the City's Coastal Element policy requires that adequate public access to the waterways be provided.

### ***Sunset Beach***

**Sunset Beach is a 109 acre community that extends approximately one mile from Seal Beach at the northwest to Bolsa Chica State Beach at the southeast. It is comprised primarily of public land uses including right-of-way. Only 31 acres of the community are developed with private residential and commercial uses. The majority of the community is located seaward of Pacific Coast Highway and is characterized by the open sandy beach and combination linear park and public parking facility. This facility contains a tot lot, walking path, five public restroom buildings and 660 public parking spaces. Access to the beach is provided at 27 street-end locations, through the residential areas, located every 200 feet along the beach frontage. The inland portion of Sunset Beach includes Sunset Channel, which is connected with the Huntington Harbour channel system, and 11<sup>th</sup> Street beach, where small boats such as kayaks and canoes may be launched.**

### ***Boating Facilities***

Boating facilities in Huntington Beach are primarily provided in Huntington Harbour. Development of a second marina in the City's Coastal Zone is limited by a lack of appropriate sites. Boat storage is provided within the Huntington Harbour Marina and in off-site dry storage areas. City policy allows for boat storage on private residential property if properly screened and accommodated, as well as within industrially zoned areas.

### Visitor-Serving Commercial Facilities

The City's Coastal Zone is host to millions of visitors each year. The Coastal Act places a high priority on land uses and facilities that serve the needs of these visitors. Visitor-serving facilities include public and private developments that provide accommodations, food, entertainment and services. The City's Coastal Land Use Plan defines activity nodes where visitor serving uses are concentrated. The use of concentrated nodes allows the City to capitalize on shared facilities and minimize impacts to more sensitive resource areas in the Coastal Zone. The most concentrated area of visitor serving uses is within the Downtown area near the Municipal Pier. Significant visitor serving facilities within the Coastal Zone are briefly described below.

#### ***Huntington Harbour/Sunset Beach***

The Huntington Harbour **and Sunset Beach** areas includes commercial uses to serve residents and visitors. Visitor serving commercial uses include **hotels, motels**, restaurants, retail shops, entertainment and private recreational facilities such as the Huntington Harbour Yacht Club and a fitness/racquet club.

#### ***Seacliff Promenade Conceptual Master Plan Area***

The Seacliff Promenade Conceptual Master Plan Area is bounded by Pacific Coast Highway to the south, Palm Avenue to the north, Seapoint Avenue to the west and Goldenwest Street to the east. The planning area comprises approximately 150 acres and is presently under the ownership of PLC Properties and Aera Properties. PLC Properties owns the 56 acre parcel located at the northeastern section of the site. Aera owns the remaining 94 acre portion which fronts Pacific Coast Highway. At this time, the site represents one of the largest, undeveloped contiguous areas in the Huntington Beach Coastal Zone. The planning area is designated in the Coastal Element Land Use Map as Mixed Use-Horizontally Integrated Housing (MH-F2/30(Avg. 15)-sp), which permits residential, visitor serving commercial and open space uses. A specific plan or plans, as well as, a "conceptual master plan of development", consistent with the Coastal Element Land Use Map, are required before any development may be approved on the site.

Per the site's Coastal Element Land Use Map designation, commercial uses will be limited to those permitted by the Commercial Visitor land use category. (See Table C-1, Coastal Element Land Use Plan Land Use, Density and Overlay Schedule, and Table C-2, Community District and Subarea Schedule). The amount and precise location of commercial land that will be included within this planning area will be determined through the conceptual master plan and specific plan preparation and adoption processes. The required master and specific plans are subject to Coastal Commission approval which would be submitted to the Coastal Commission as an LCP amendment that would take effect upon Commission certification. Both are consistent with Coastal Act and adopted City policy noted in this Coastal Element.

Pursuant to the adopted Palm/Goldenwest Specific Plan, it is anticipated that the 94 acre Aera property, which fronts Pacific Coast Highway, will house visitor-serving commercial, open space and recreational/civic uses such as a public museum, with visitor-serving commercial uses having preference. This property is presently used for oil production and is expected to maintain its existing oil activities for the next 15 to 20 years. The 56 acres located in the northeast portion of the planning area and owned by PLC Properties, is approved for up to 315 dwelling units.

While supply does not appear to be an issue, studies reveal an inadequacy in the amount of emergency and reserve storage and booster pumping capacity for present day and future demands. The City's water storage system consists of the Overmyer Reservoirs Nos. 1, 2 and 3 and the Peck Reservoir. All are located within the City, but outside of the Coastal Zone. The Peck Reservoir capacity is 16 million gallons and the Overmyer Reservoirs' combined capacity is 24 million gallons. The reservoirs serve as regulating reservoirs for peak demands and provide storage for planned outages and emergencies. The reservoirs generally fill with water during nighttime low demand periods with imported MWD water or groundwater and drain during the daytime high demand periods. Booster pumping facilities pump water from the reservoir storage into the water distribution system to maintain adequate supply during peak periods to supplement groundwater and MWD water supplies.

Improvements to increase the City's water storage capacity will be achieved with the addition of new reservoirs and increased capacity at existing reservoirs. A new Ellis-Edwards Reservoir with a nine million gallon capacity, and a nine million-gallon expansion next to the Peck Reservoir are currently under construction, and an expansion of the Talbert Valley Reservoir site is under consideration. Other new reservoir sites are under investigation, including potential sites within the Coastal Zone. Booster pumping capacity will also be expanded as appropriate, with the new expanded storage. In addition, data acquisition and control systems for water storage will be modernized to allow for enhanced monitoring and control capabilities under both normal operations and emergencies. The City's water distribution system consists of over 480 miles of water lines ranging in size from 2 to 42 inches in diameter. Improvements in the piping system are implemented as older deteriorated or undersized pipes are replaced. This will eliminate flow restrictions and help to accommodate future demands. Coastal Element policy mirrors General Plan policy by calling for an adopted Water Master Plan to be implemented to address identified water storage, booster and distribution system deficiencies.

#### *Sanitation Treatment and Sewerage*

Sanitation Treatment and Sewerage services are provided by the Orange County Sanitation District (OCS D), ~~and the City of Huntington Beach Public Works Department, Engineering Division~~ **and the Sunset Beach Sanitary District**. Two OCS D treatment plants serve Huntington Beach. Plant No. 1 treats wastewater generated by other cities and the northern portion of Huntington Beach. Plant No. 2 treats the remainder of the City's sewage. The OCS D has developed improvement plans for the plants to serve the needs of the City through the year 2050. This includes buildout of the City's Coastal Land Use Map.

The existing sewage collection system consists of major trunk lines, smaller feeder lines, and lift stations. The City's Public Works Department **and the Sunset Beach Sanitary District** ~~is~~ **are** responsible for the local level of service while the OCS D is responsible for the regional service. Deficiencies in the City's pipeline and pump station system have been identified through recent studies. The Coastal Zone, specifically the older Downtown area, includes sewage facilities that are dated and in need of maintenance, repair and/or upgrade. In addition, there are numerous sewer lift stations in the City that are in need of repair and/or replacement. Many of these facilities are in the Coastal Zone. The City has identified the deficiencies and has plans in place to correct them. Coastal Element policy mirrors General Plan policy by calling for master plans and capital improvement programs to ensure adequate sewage facilities to meet the demands of permitted development.

## **ERRATA TO DRAFT NEGATIVE DECLARATION NO. 10-005**

The following changes to the Draft Negative Declaration No. 10-005 are as noted on the attached pages. The changes to the Draft Mitigated Negative Declaration as they relate to issues contained within this Errata do not affect the overall conclusions of the environmental document.

In addition, attachments to the Draft Negative Declaration No. 10-005 (Reference #s 5 and 17) are updated per the Planning Commission staff report dated September 28, 2010.

**CITY OF HUNTINGTON BEACH  
PLANNING AND BUILDING DEPARTMENT  
DRAFT NEGATIVE DECLARATION NO. 10-005**

**1. PROJECT TITLE:** Sunset Beach Specific Plan and Annexation

**Concurrent Entitlements:** **General Plan Amendment 10-002, Zoning Text Amendment No. 10-002, Zoning Map Amendment No. 10-001, Local Coastal Program Amendment No. 10-001 and Annexation No. 10-001**

**2. LEAD AGENCY:** City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

**Contact:** Mary Beth Broeren, Planning Manager  
**Phone:** (714) 536-5550

**3. PROJECT LOCATION:**

The approximately ~~109~~134 acre unincorporated Sunset Beach area is located at the northwest end of the City of Huntington Beach and is generally bounded by the City of Seal Beach to the north, the Pacific Ocean to the west and south and the City of Huntington Beach to the east and southeast. The northern limit of the Sunset Beach area is Anderson Street and the southern limit is Warner Avenue. Approximately 76 acres of the Sunset Beach area are developed or used for waterways. The remaining approximately 33-58 acres is beach sand.

**4. PROJECT PROPONENT:** City of Huntington Beach  
2000 Main St.  
Huntington Beach, CA 92648

**Contact Person:** Paul Emery, Deputy City Administrator  
**Phone:** (714) 536-5482

**5. GENERAL PLAN DESIGNATION:**

Existing County of Orange  
Urban Residential, Community Commercial, Open Space

Proposed City of Huntington Beach  
RH-30-sp (Residential High Density-greater than 30 units per acre with a Specific Plan Overlay), CV-mu-sp (Commercial Visitor with a Mixed Use Overlay and a Specific Plan Overlay), OS-S-sp (Open Space – Shoreline with a Specific Plan Overlay), OS-W-sp (Open Space – Water Recreation with a Specific Plan Overlay), and Public-sp (Public with a Specific Plan Overlay).

**ZONING:** Existing County of Orange  
Sunset Beach Specific Plan

Proposed City of Huntington Beach  
Sunset Beach Specific Plan (Specific Plan No. 17).

**6. PROJECT DESCRIPTION:**

The project involves five components: 1) annexation application to Orange County Local Area Formation Commission (LAFCO) to annex the Sunset Beach area to the City of Huntington Beach; 2) general plan amendment to establish City general plan designations for the area and make text changes referencing Sunset Beach, 3) adoption of the City of Huntington Beach Sunset Beach Specific Plan, 4) zoning map amendment to establish the proposed Sunset Beach Specific Plan as the new zoning for the area, and 5) local coastal program amendment to establish land use plan designations, make text changes referencing Sunset Beach and to reflect the Specific Plan and zoning for the area per items 3) and 4). Future references in this document to “the project” refer to all five proposed actions: annexation, general plan amendment, adoption of the Specific Plan, zoning map amendment and local coastal program amendment.

**Annexation**

The City is proposing to annex the approximately 109-134 acre Sunset Beach area located in the jurisdiction of the County of Orange. The annexation process is initiated by resolution by the City of Huntington Beach City Council.

**General Plan Amendment**

The second component of the proposed project involves establishing City General Plan designations for the annexation area. The project would amend the General Plan Land Use Map (Figure LU-5) to establish General Plan land use designations for the Sunset Beach area as follows - approximately 22.3 acres for Residential High Density-30, 9.2 acres for Visitor Serving Commercial-Mixed Use Overlay, 13.0 acres for Public, 3.4 acres for Open Space-Water Recreation and ~~33.257.7~~ acres for Open Space-Shoreline. The remainder of the area is right-of-way. The entire area would also have a Specific Plan Overlay. The proposed City of Huntington Beach General Plan land use designations mirror those of the existing County of Orange Land Use Plan for Sunset Beach. The General Plan Amendment would designate the Sunset Beach area as Subarea 4L on the Community District and Subarea Schedule (Figure LU-6 and Table LU-4) and would amend Table LU-3 to add a reference to “specific plans” for the Mixed Use Overlay. In addition, the General Plan Amendment would update figures to reflect the change in the City’s boundary, would make minor wording changes to the Utilities Element and would update the Recreation and Community Services Element to reflect update recreational amenity information.

**Prezoning (Zoning Text Amendment and Zoning Map Amendment)**

The third and fourth components of the project involve adoption of a specific plan (zoning text amendment) and change to the zoning map for the annexation area in accordance with LAFCO procedures. LAFCO requires that the City establish site zoning before annexation is approved by LAFCO. The Zoning Text Amendment application is a request to create the Sunset Beach Specific Plan that will provide development standards for the Specific Plan area. The Specific Plan has been prepared to be consistent with the intent of the existing County of Orange Sunset Beach Specific Plan and will not result in an increase in the density or intensity of land use beyond what is set forth in the County’s Specific Plan. The Zoning Map Amendment request would amend the City Zoning Map to establish the Specific Plan zoning for the area. The total acreage of the Specific Plan area is as follows (refer to Exhibit 1 for locations):

|  |                                 |
|--|---------------------------------|
| <u>General Plan Designation/Specific Plan District</u> |                                 |
| Residential High Density/Sunset Beach Residential:     | 22.32 acres                     |
| Commercial Visitor/Sunset Beach Tourist:               | 9.16                            |
| Public/Sunset Beach Parking                            | 13.00                           |
| Open Space Waterway/Sunset Beach Waterway              | 3.40                            |
| Open Space Shoreline/Sunset Beach Beach                | <del>33.17</del> <u>57.74</u>   |
| <u>Right of Way/Right of Way</u>                       | <u>28.26</u>                    |
| Total:   | <del>109.31</del> <u>133.88</u> |

This figure replaced to reflect the updated acreage number for the Sunset Beach Beach Area.

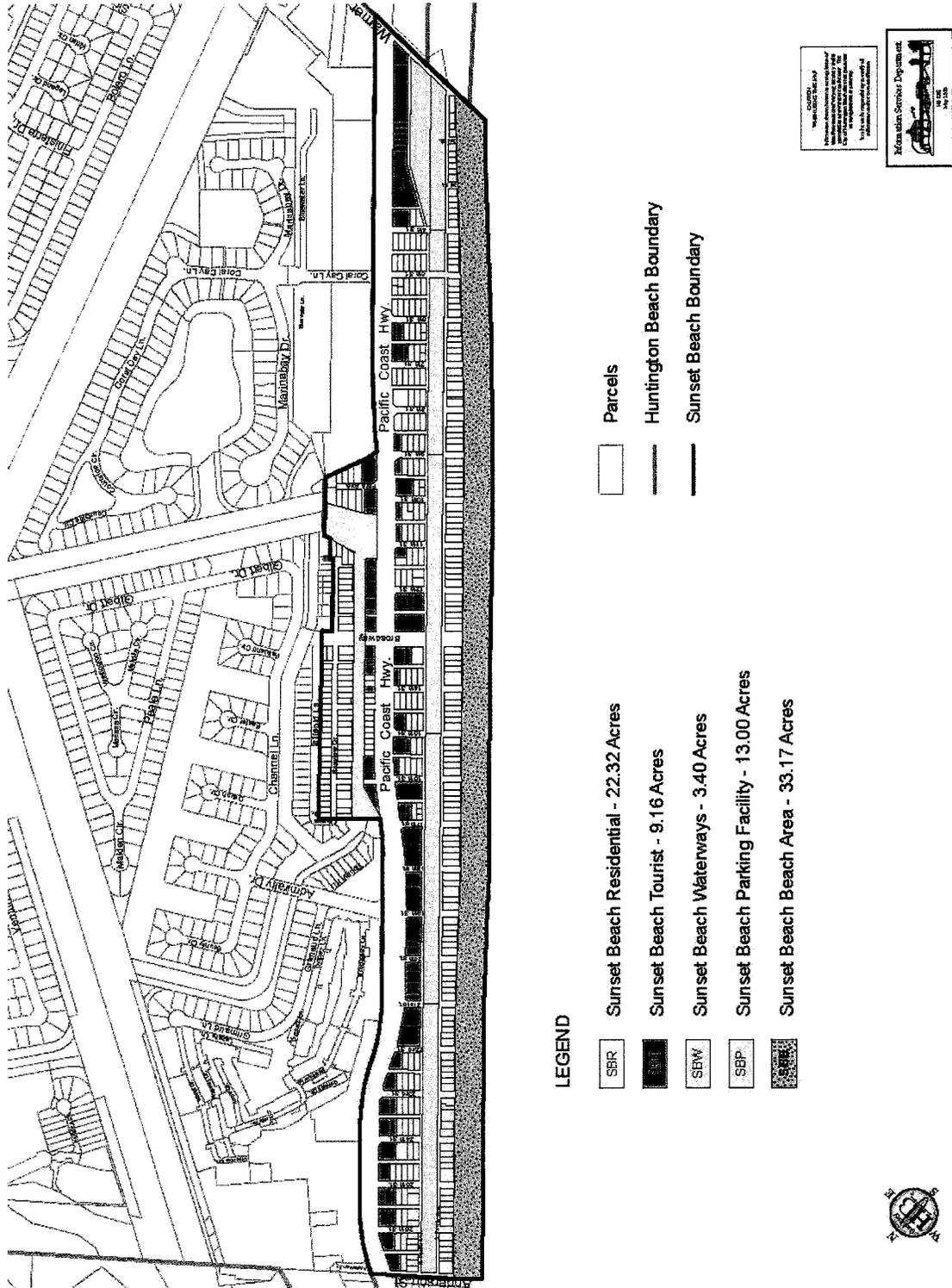
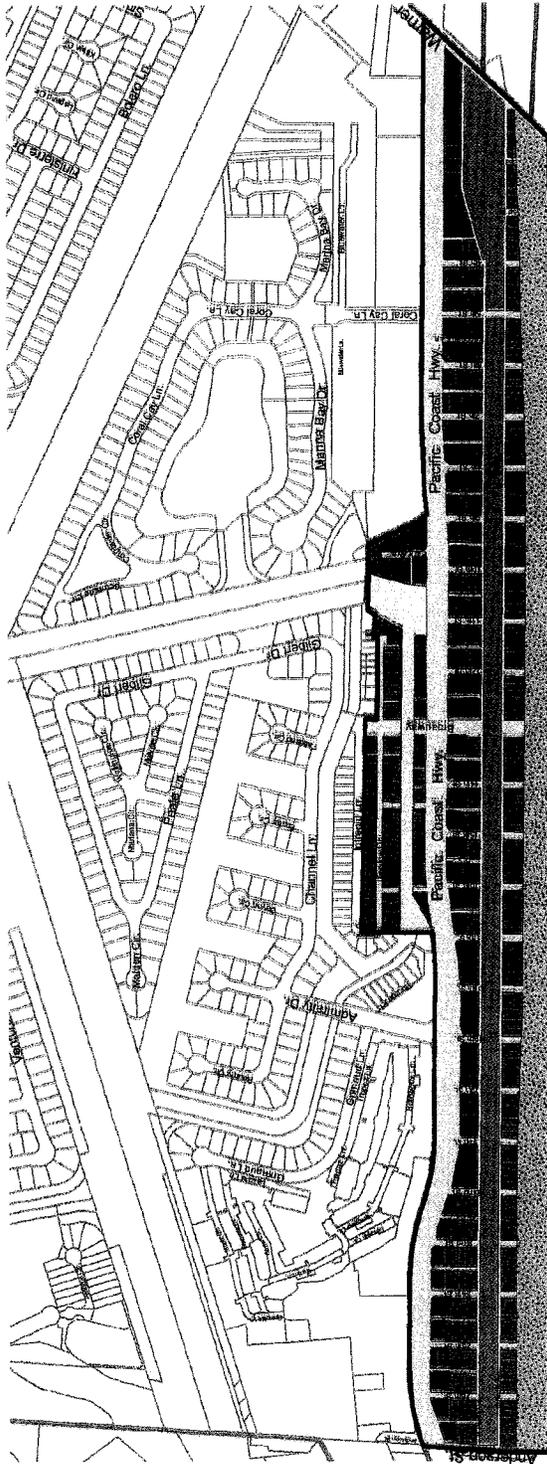


Exhibit 3.1 Specific Plan Districts



LEGEND

-  Sunset Beach Residential - 22.32 Acres
-  Sunset Beach Tourist - 9.16 Acres
-  Sunset Beach Parking Facility - 13.00 Acres
-  Sunset Beach Beach Area - 57.74 Acres
-  Sunset Beach Waterways - 3.40 Acres
-  Parcels
-  Right Of Way
-  Huntington Beach Boundary
-  Sunset Beach Boundary



NOT TO SCALE  
 Information Services Department  
 10/10/2008



Exhibit 3.1 Specific Plan Districts

|  |                                      |  |                                    |           |
|--|--------------------------------------|--|------------------------------------|-----------|
| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|

**I. LAND USE AND PLANNING.** Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: #1, 2, 3, 5, 6, 17)

**Discussion:** The proposed annexation, general plan amendment, local coastal program amendment and rezoning for the Sunset Beach area will not result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed annexation is within the City’s sphere of influence and is contiguous with the City boundary on the east and south. The proposed project is a logical and orderly extension of the City’s boundaries and services. The area is almost entirely built out and is a physical extension of the City, and the City currently provides various services to the area as discussed in Issue areas Public Services and Utilities/Service Systems below. The existing development pattern and uses are compatible with existing development in the City on the inland side of Pacific Coast Highway, consisting of similar higher density residential, visitor serving commercial and open space-water recreation uses. The ocean side of the annexation area is dominated by beach, public parking, the greenbelt (linear park), visitor serving commercial uses and high density residential uses. These uses are consistent with existing uses within the City’s coastal area and do not require the creation of new land use designations. As such, the proposed project is consistent with General Plan Land Use Element goal LU 3 and related policies LU 3.1.1 and 3.2.1 relating to annexation as follows:

“Achieve the logical, orderly, and beneficial expansion of the City’s services and jurisdictional limits.” (Goal LU 3)

“Require that any lands proposed for annexation are contiguous with the City.” (Policy LU 3.1.1)

“Require that the existing and future land uses located within the proposed annexation area are compatible with the adjacent City uses.” (Policy LU 3.1.2)

The proposed project is consistent with the Local Coastal Program Land Use Plan goal C 1, which requires that the City “develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs” and with policy C 1.1.8, which lists five considerations that the City should evaluate when evaluating annexations including the land use goal and policies provided above. The proposed Specific Plan and Land Use Plan do not change the land use goals for the area, maintain the existing access points and do not create any service or facility needs in comparison with the existing County Local Coastal Program for Sunset Beach as approved by the California Coastal Commission.

|  |                                |  |  |           |
|--|--------------------------------|--|--|-----------|
| ISSUES (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Less Than Significant Impact | No Impact |
|  |                                |  |  |           |

The proposed rezoning of Sunset Beach with the Sunset Beach Specific Plan is consistent with the City’s Zoning Code in that it meets the findings required in Section 215.12 of the City of Huntington Beach Zoning and Subdivision Ordinance. The project meets the findings required for approval of a Specific Plan as follows:

“The Specific Plan is consistent with the adopted Land Use Element of the General Plan and, if in the coastal zone, with the certified Local Coastal Land Use Plan, and other applicable policies and is compatible with the surrounding development.”

The proposed Specific Plan is consistent with the General Plan and Local Coastal Program as described above and is consistent with the surrounding residential, commercial and open space development in that it designates the area for residential, visitor serving commercial, public and open space uses. The proposed Specific Plan has been developed to be consistent with the existing County Sunset Beach Specific Plan and does not propose changes to the permitted uses.

“The Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the Plan were not adopted.”

The Sunset Beach Specific Plan reflects the unique character of Sunset Beach with its smaller lot sizes and extensive areas for public recreation and parking. It carries forward the County’s development standards in term of height, setbacks, parking and density to ensure that development occurring after approval of the annexation and other entitlements will be consistent with the quality of existing development within the Specific Plan area.

“Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the Specific Plan.”

The Sunset Beach Specific Plan contains regulations, for setbacks and parking among others, that are less restrictive than those of the Huntington Beach Zoning and Subdivision Ordinance. These are in recognition of existing conditions and the County’s Specific Plan regulations. These regulations allow for the provision of substantial public/open space facilities including the 13 acre greenbelt (linear park)/public parking area that provide a direct benefit to the community and general public.

“The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public services demands will not exceed the capacity of existing and planned systems.”

The Specific Plan contains provisions for the adequate provision of all utilities, services and emergency access to the project area. There are no changes to the existing development standards such that an unanticipated development intensity would occur.

| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|
|--|--------------------------------------|--|------------------------------------|-----------|

- f) Result in inadequate parking capacity? (Sources: #2, 5, 19)

**Discussion:** The proposed project does not propose any development but includes the adoption of the Sunset Beach Specific Plan that provides parking standards for future development. The Specific Plan reflects the County’s Sunset Beach Specific Plan parking standards. The parking requirements for various uses are less than those of the City of Huntington Beach Zoning and Subdivision Ordinance, and there is discussion in the County’s Plan regarding parking issues as they relate to distribution. However, due to the compact, pedestrian-oriented character of Sunset Beach, parking is routinely shared. For example, the linear park/parking facility contains ~~660~~ 624 public parking spaces that are regularly used by business patrons, employees, residents and visitors. In addition, most streets have on-street parking on at least one side. The sizeable amount of public parking in Sunset Beach given its compact size has helped to offset limited on-site parking for much of the community. The concept of shared parking is recognized as a reasonable way to allow for reduced parking requirements for individual uses. For example, shared parking is an integral component of the City of Huntington Beach downtown area, which has similarities with Sunset Beach in terms of the combined residential and tourist-oriented development pattern, pedestrian focus and small parcel sizes. Therefore, potential impacts related to parking capacity are expected to be less than significant.

- g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: # 1, 3, 19)

**Discussion:** See discussion VIa-b. In addition, the City’s proposed Sunset Beach Specific Plan includes requirements for bicycle parking consistent with the City of Huntington Beach Zoning and Subdivision Ordinance. These requirements would apply to new development and would improve the availability of bicycle facilities in the area. The proposed Specific Plan also maintains the existing pedestrian access points to the beach and designates the walking path in the linear park as a public facility, consistent with the County’s existing plan. The proposed project would not conflict with adopted plans, etc. related to public transit, bicycle or pedestrian facilities and no impacts would result.

**VII. BIOLOGICAL RESOURCES.** Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S, Fish and Wildlife Service? (Sources: #1, 3, 5, 19)

**Discussion:** See discussion below.

| ISSUES (and Supporting Information Sources): | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

five minutes using existing facilities, equipment, and personnel. The Specific Plan also requires that new development comply with the City's Fire Specifications. Based on the statistics above, is likely that the City's Department will experience an increase in calls for service with implementation of the project. The Department has indicated that it can provide such services to the Sunset Beach community without impacting its ability to provide public safety services to the rest of Huntington Beach. Impacts of the proposed project would be less than significant.

- b) Police Protection? (Sources: #1, 5, 19)

**Discussion:** The Orange County Sheriff's Department and California Highway Patrol (CHP) currently serve the Sunset Beach community, with the City of Huntington Beach Police Department providing assistance as needed. The Sheriff's Department handles basic calls for service and the CHP handles traffic collisions within the area as Pacific Coast Highway is a State facility. For 2007 and 2008, the Sheriff's Department responded to an average of 4.6 calls per day (1,688 calls for service annually), and CHP responded to approximately 55 calls each year. Data for the City of Huntington Beach, for 2008 and 2009, indicate that the City Police Department provided agency assistance for a total of 40 calls, completed 20 traffic stops that resulted in a report, implying an arrest, and completed 202 traffic stops that did not result in a report for the Sunset Beach area.

With implementation of the project, CHP would continue to respond to traffic collisions for Pacific Coast Highway. The the City of Huntington Beach Police Department would provide law enforcement services. The Sunset Beach area will become part of "Beat" 10, with an officer assigned to patrol the beat 24 hours a day, seven days a week. In 2009, the Police Department responded to approximately 7,000 calls for service in Beat 10, which is an average of 19.1 calls for service per day. This does not include approximately 1,600 officer-initiated calls (traffic stops, other contacts with the public) generated in the Beat. Based on the statistics above, the City's Department will experience an increase in calls for service with implementation of the project; however, the additional 4.6 calls for service per day (calls responded to by the Sheriff's Department) would not negatively impact response times. In addition to the Beat officer, the Sunset Beach area will also be served by the Police Department's Motor Officers and/or Accident Investigation Officers who respond to traffic collision calls for service. When not handling traffic related calls, these officers are available to handle calls for service in any beat within the city. The Department has indicated that it could-can provide such services to the Sunset Beach community without impacting its ability to provide public safety services to the rest of Huntington Beach. Impacts of the proposed project would be less than significant.

- c) Schools? (Sources: #1, 5, 19)

**Discussion:** The proposed project involves the annexation of approximately 109 acres of land to the City of Huntington Beach and associated rezoning, general plan and local coastal program amendments. Current service providers include the Huntington Beach Union High School and the Ocean View School District and will not change with project implementation. The City's proposed Specific Plan does not change the density or intensity of currently allowed land uses. Therefore, implementation of the project will not result in any impact to schools.

- d) Parks? (Sources: #1, 5, 17, 19)

**Discussion:** The Sunset Beach area includes three public recreational facilities: the large beach, a linear

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|--|--------------------------------------|--|------------------------------------|-----------|
|--|--------------------------------------|--|------------------------------------|-----------|

park (greenbelt)/parking facility and a small beach. The proposed project does not propose any construction or development, and the City's Specific Plan carries forward the County's land use plan and policies for the existing recreational facilities. The proposed general plan amendment and local coastal program amendment include updates to the General Plan Recreation and Community Services Element and Land Use Plan (Coastal Element), respectively, to provide a current inventory of recreational facilities in the City as well as add the facilities in Sunset Beach to the City's inventory. However, these text changes do not require nor would they result in physical impacts to any of the facilities. The City's Sunset Beach Specific Plan was developed to reflect the specific plan approved by Orange County and no increase in density or intensity of land use is proposed. Therefore, implementation of the proposed project will not result in any impacts to parks.

- e) Other public facilities or governmental services?      
(Sources: #1, 5, 19)

**Discussion:** The Sunset Beach area represents a proportionately small addition to the City of Huntington Beach and will not result in the need for other public facilities or governmental services such that there would be the need for new governmental facilities that might result in impacts. The City can provide services to the area using its existing facilities and staff. Implementation of the project will not result in additional impacts in this area.

**XII. UTILITIES AND SERVICE SYSTEMS.** Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?      
(Sources: #1, 5, 17, 19)

**Discussion:** See discussion below.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: # 1, 5, 17, 19)

**Discussion:** See discussion below.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: # 1, 5, 17, 19)

**Discussion:** See discussion below.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or

**DEPARTMENT OF TRANSPORTATION**

District 12  
3347 Michelson Drive, Suite 100  
Irvine, CA 92612-8894  
Tel: (949) 724-2267  
Fax: (949) 724-2592



*Flex your power!  
Be energy efficient!*

**FAX & MAIL****September 3, 2010**

Ms. Mary Beth Broeren  
City of Huntington  
2000 Main Street  
Huntington Beach, CA 92648

File: IGR/CEQA  
SCH #: 2010081034  
Log #: 2570  
SR-1

**Subject: Sunset Beach Specific Plan and Annexation**

Dear Ms. Broeren:

Thank you for the opportunity to review and comment on the **Negative Declaration for the Sunset Beach Specific Plan and Annexation project**. The project involves five components: 1) annexation application to Orange County Local Area Formation Commission (LAFCO) to annex the Sunset Beach area to the City of Huntington Beach; 2) General Plan amendment to establish City general plan designations for the area and make text changes referencing Sunset Beach; 3) adoption of the City of Huntington Beach Sunset Beach Specific Plan; 4) zoning map amendment to establish the proposed Sunset Beach Specific Plan as the new zoning for the area; and 5) local coastal program amendment to establish land use plan designations, make text changes referencing Sunset Beach and to reflect the Specific Plan and zoning for the area per items 3) and 4). The approximately 109 acre, unincorporated Sunset Beach area is generally bounded by the City of Seal Beach to the north, the Pacific Ocean to the west and south and the City of Huntington Beach to the east and southeast.

**The California Department of Transportation, District 12 is a responsible agency on this project, and has the following comments:**

1. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

Sincerely,

CHRISTOPHER HERRE  
Branch Chief, Local Development/Intergovernmental Review



**California Regional Water Quality Control Board**  
**Santa Ana Region**



3737 Main Street, Suite 500, Riverside, California 92501-3348  
 Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
 www.waterboards.ca.gov/santaana

**Linda S. Adams**  
 Secretary for  
 Environmental Protection

**Arnold Schwarzenegger**  
 Governor

September 9, 2010

Mary Beth Broeren, Planning Manager  
 City of Huntington Beach Planning and Building Dept.  
 2000 Main Street  
 Huntington Beach, CA 92648

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 SEP 15 2010  
 Dept. of Planning  
 & Building

**DRAFT NEGATIVE DECLARATION, SUNSET BEACH SPECIFIC PLAN AND ANNEXATION, CITY OF HUNTINGTON BEACH, SCH# 2010081034**

Dear Ms. Broeren:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) have reviewed the City of Huntington Beach (City) Draft Negative Declaration (ND) for the proposed Sunset Beach Specific Plan and Annexation (Project) of the unincorporated Sunset Beach community by the City of Huntington Beach. Among several components, the Project will rezone the 109-acre area and establish land use plan designations through a local coastal program. We believe that the ND should incorporate the following comments in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

**Infrastructure Related to Water Quality**

1. Pg. 23 states that "Upon annexation, wastewater service will continue to be provided by the Sunset Beach Sanitary District... Due to the high groundwater conditions, 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... shall drain to the public street or public storm drainage system." The causal relationship could be made more clearly between high groundwater's influences on preventing new influx to the sanitary system pipes.
2. The Flooding/Shoreline Structures and Infrastructure/Utilities Sections (ND p.22), including the paragraphs on Water Quality, would be improved by an expanded discussion of the likely Best Management Practices (BMPs) or management measures (MMs) that will be used to keep the discussed flooding by seawater (severe tides) and freshwater (storm events), sometimes in combination, from flowing into and surcharging the sanitary sewer system through manhole covers, etc. Discussion of compliance with the Orange County Drainage Management Plan (DAMP) and stormwater permits does not discuss likely applicable BMPs or MMs that would address prevention of the historical mixing of floodwaters (and street contaminants) in Sunset Beach. Section 2.4 (p. 22) should provide more detail as to the nature of the "new structure in this area [to] be raised to a specific height above a point on South Pacific Avenue," (the street nearest the beach) to stop tidal "over-wash."

3. We recommend that the City's emergency planning incorporate the requirements of the Sanitary District to adequately respond in such an emergency as mentioned above. In Environmental Checklist pgs.16 (Transportation/ Traffic) and 21 (Hazards and Hazardous Materials), references are made to the ability of emergency vehicles to respond within the proposed Specific Plan area, with drive aisle widths being narrower (often by four feet) than most city streets. Please consider that if a sewage spill were to occur, service vehicles, and other equipment will need access to manholes and other sanitary system access structures likely located in the street.
4. Water Quality (ND p.24) should include the need for individual projects that propose to conduct dewatering from Sunset Beach's shallow groundwater<sup>1</sup>, and then discharge pollutants to waters of the state, to obtain coverage under the Regional Board's *de minimus* permit, currently Order No. R8-2009-0003 (NPDES No. CAG998001) and subsequent iterations of this permit. The City has had coverage for City-driven projects.

### Dredge and Fill Projects

5. On ND pg. 39 and 40, reference is made to the repairing of bulkheads, gangways and docks along Sunset Beach Channel, with possible reconfiguration of the 11<sup>th</sup> Street public beach for launching craft. If any project would cause material to be dredged from, or filled into, waters of the United States, i.e., surface waters or tributaries thereto, and where these waters fall under the jurisdiction of the U.S. Army Corps of Engineers (USACOE) and a Clean Water Act (CWA) Section 404 permit is required, then the Regional Board must issue a CWA Section 401 Water Quality Standards Certification and may require mitigation for impacts to beneficial uses. Consultation with Regional Board staff concerning potential Certification issues is strongly suggested, particularly with the City's anticipated "greater use by the general public" of Sunset Beach waterways (ND pg.38-9) that have been heretofore used by private parties. Information concerning Section 401 certification is found on the Regional Board's website,  
[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/401\\_certification/index.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/401_certification/index.shtml).

If you have any questions, please contact Glenn Robertson at (951) 782-3259, [grobertson@waterboards.ca.gov](mailto:grobertson@waterboards.ca.gov), or me at (951) 782-3234, or [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov)

Sincerely,



Mark G. Adelson, Chief  
Regional Planning Programs Section

cc: State Clearinghouse  
U.S. Army Corps of Engineers, Los Angeles – Stephanie J. Hall

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ Neg Dec/ City of Huntington Beach – Annexation of Sunset Beach.doc

<sup>1</sup> Seawater intrusion beneath Sunset Beach, from the ocean on the south and the estuary on the north.

The Order is available at the Regional Board website at:

[http://www.swrcb.ca.gov/santaana/board\\_decisions/adopted\\_orders/orders/2009/09\\_003\\_deminimus\\_permi\\_wdr.pdf](http://www.swrcb.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_003_deminimus_permi_wdr.pdf)



September 10, 2010

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Dept. of Planning & Building

CHAIR  
**PETER HERZOG**  
Councilmember  
City of Lake Forest

Mary Beth Broeren, Planning Manager  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

VICE CHAIR  
**JOHN MOORLACH**  
Supervisor  
2<sup>nd</sup> District

Subject: Draft Negative Declaration No. 10-005 (Sunset Beach Specific Plan and Annexation)

VICE CHAIR  
**PETER HERZOG**  
Councilmember  
City of Lake Forest

Dear Ms. Broeren,

**CHERYL BROTHERS**  
Councilmember  
City of Fountain Valley

Thank you for this opportunity to comment on the above referenced environmental document. As responsible agency for the annexation of Sunset Beach to the City of Huntington Beach, LAFCO has reviewed the negative declaration and does not have any comments at this time.

**BILL CAMPBELL**  
Supervisor  
3<sup>rd</sup> District

**ARLENE SCHAFER**  
Director  
Costa Mesa  
Sanitary District

As a responsible agency, LAFCO would appreciate being forwarded any comments on the Draft Negative Declaration No. 10-005. Please do not hesitate to contact our offices should you have questions or concerns regarding this request.

**JOHN WITHERS**  
Director  
Irvine Ranch Water District

**SUSAN WILSON**  
Representative of  
General Public

Best regards,

ALTERNATE  
**PAT BATES**  
Supervisor  
5<sup>th</sup> District

*Joyce Crosthwaite*  
Joyce Crosthwaite

ALTERNATE  
**PATSY MARSHALL**  
Councilmember  
City of Buena Park

Executive Officer  
Orange County LAFCO  
714-834-2556

ALTERNATE  
**DEREK J. MCGREGOR**  
Representative of  
General Public

ALTERNATE  
**CHARLEY WILSON**  
Director  
Santa Margarita  
Water District

**JOYCE CROSTHWAITE**  
Executive Officer

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
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September 7, 2010

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Dept. of Planning  
& Building

Ms. Mary Beth Broeren, Planning Manager

**CITY OF HUNTINGTON BEACH**

2000 Main Street  
Huntington beach, 92648

Sent by FAX to: (714) 374-1540 &amp; USPS Mail

No. of Pages: 5

Re: SCH#2010081034 CEQA Notice of Completion; proposed Negative Declaration General Plan Amendment 10-002 and Annexation No. 10-001 for the Sunset Beach Specific Plan and Annexation; located adjacent to the City of Huntington Beach; Orange County, California.

Dear Ms. Broeren:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of the APE identified for the project. However, there are considerable number of Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional

ATTACHMENT NO. 9.5

archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15,

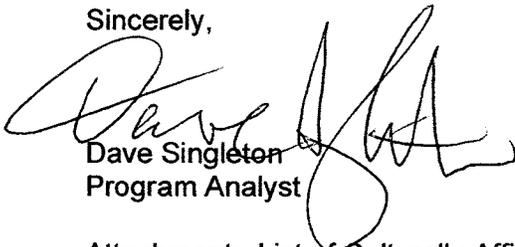
requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is stylized and overlaps with the typed name below it.

Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

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September 7, 2010

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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010081-034; CEQA Notice of Completion; proposed Negative Declaration and General Plan Amendment 10-002 and Annexation No. 10-001; for the Sunset Beach Specific Plan and Annexation; City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 9.8

Native American Contacts  
Orange County  
September 7, 2010

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Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010081-034; CEQA Notice of Completion; proposed Negative Declaration and General Plan Amendment 10-002 and Annexation No. 10-001; for the Sunset Beach Specific Plan and Annexation; City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 9.9

**Broeren, Mary Beth**

---

**From:** Lyman Lokken [lyman@lokkenusa.com]  
**Sent:** Friday, September 10, 2010 4:12 PM  
**To:** Broeren, Mary Beth  
**Subject:** Negative Dec  
**Attachments:** Draft Negative Declaration Comments on Sunset Beach study by Lyman Lokken on September 10, 2010.pdf

In accordance with your phone call a few minutes ago, attached are just my comments on the Negative Dec. I added a few footnotes at the bottom of this separate report. Please note I do want these comments included in your formal review and response.

Lyman K. Lokken,  
Sunset Beach

**Draft Negative Declaration-Comments on Sept. 10, 2010 by  
Lyman Lokken**

- 15           2   Sunset Beach consists of either 122.9 or 133.8 acres. See attached document from the Sunset Beach Sanitary District and a survey I had prepared by the County of Orange. This it Exhibit #4 attached hereto.
- 16           8   Please add or footnote or comment to say that the linear park is known locally as the greenbelt and the former Pacific Electric right of way.
- 17           17  I believe the correct parking count is about 600 spaces in the greenbelt (per a count done for me by OC Parks). This figure includes around 100 spaces in the Warner parking lots.
- 18           23  No formal police study has been submitted. No staffing levels or hours of service are mentioned. Nor does the City confirm they will close the public beach each evening at 10:00 PM (like the Sheriff does now).
- 19           25  Once the City of Huntington Beach finishes the sewer trunk line on Warner, it will have no further role with the Sunset Beach Sanitary District.
- 20   IVC86   This is attachment 2.70. Sunset Beach has fully lined it main sewer trunk line; there are no deferred items.

**Please note the two columns to the left. The first column shows 6 comments (#15-20) related to this portion of the reports prepared by the City of Huntington Beach.**

**The right column shows the page numbers in the report. Comment #15 relates to page 2 of the Draft Neg. Dec.**

**LKL: September 10, 2010 via e-mail to Mary Beth Broeren. Please note the exhibits are not attached hereto but were delivered to her this afternoon with this and other comments.**

*Final  
Proposed Incorporation  
of Sunset Beach  
Application of Peer Review  
Report to the Preliminary  
Feasibility Analysis*

**City of Huntington Beach**

*July 20, 2010*

*Project Staff:  
John Goss*

**Ralph Andersen & Associates**

[www.ralphandersen.com](http://www.ralphandersen.com)

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# Final Proposed Incorporation of Sunset Beach Application of Peer Review Report to the Preliminary Feasibility Analysis

A Preliminary Feasibility Analysis (PFA) was prepared by Willdan Financial Services for the potential incorporation of Sunset Beach, an unincorporated island mostly surrounded by the City of Huntington Beach and the Pacific Ocean. That June 3, 2010 report was subject to a "peer" review by Economic & Planning Systems, Inc. (EPS). The peer review was issued on June 24, 2010.

The purpose of this brief report is to apply the EPS analysis to the PFA and point out the potential financial challenges of incorporating Sunset Beach. Not all of the complexities of the peer analysis and the PFA are analyzed. The focus is only on the major financial challenges of incorporation suggested by the peer review.

The PFA contains three different service delivery scenarios for the proposed city. All three scenarios include adoption of a utility users tax ranging from 5 to 10% and the extension of the transient occupancy tax to vacation rentals. Scenario 3 adds metered parking as a revenue source and assumes costs for beach maintenance and lifeguard services in the sixth year. This assumes that the County will pay for these services during the first five years of incorporation.

Even with these additional revenues, the key findings of the EPS review is that Scenario 1 (limited services) and Scenario 2 (preferred services) do "not meet the minimum criteria for feasibility within the first three years as required by Government Code Section 56720." For Scenario 3 (maximum services), which requires a 10% Utility Users Tax, the peer review concludes that "revenues will exceed costs by more than 10% in year three" but that "by the end of year five...the city experiences annual short falls." The review concludes, "The shortfalls continue to be negative by year 10; the shortfall is a negative 3% of costs, which should not be deemed feasible."

The peer review at the PFA stage casts considerable doubt on the economic feasibility of Sunset Beach incorporation whether Scenarios 1, 2 or 3 are pursued. This could mean that a more detailed financial analysis via the LAFCO incorporation review process would further verify the financial infeasibility of the proposed incorporation of Sunset Beach.

In addition to the peer review's conclusions about the fiscal inadequacy of incorporation based solely on the numbers of the PFA, its review of the more detailed revenue and expenditure accounts reveals that the financial feasibility of Sunset Beach incorporation becomes significantly less viable. Basically, the review concludes that the levels of expenditures are understated and the projected revenues are overstated.

## Revenues

The peer review concludes that the projected property tax revenue is overstated by \$100,000. The review concludes, "This loss has a significant adverse impact on city feasibility." The review, however, also concludes that the PFA was conservative in projecting future property tax growth and may have understated that growth.

The bottom line in the PFA financing plan is that it will require new revenues including: (1) A utility users tax ranging from 5 to 10%; (2) An extension of the County Transit Occupancy Tax to vacation rentals; and (3) Negotiations of a 5 percent franchise fee for gas, electric and cable. The first two revenue sources would require a vote of the people and probably would be folded into an incorporation election, if incorporation were deemed financially feasible by LAFCO.

## Expenditures

Regarding expenditures, EPS' review concluded that the projected part-time City Manager and part-time Treasurer are insufficient to support the proposed city. It expects that the "City Attorney costs will be higher in the initial years as contracts are negotiated, and city codes and ordinances are adopted." The review expects additional engineering expense in addition to the traffic engineering cost projected. The PFA was also chided for not including expense for human resources and information technology support. Also, it was felt that Animal Control costs were understated.

For non-departmental expense EPS concluded that the amount for needed office space and the purchase of initial equipment was understated. The review concluded that a 5% contingency was inadequate for a very small city and it should be increased to 10%. Finally, there is no provision for future capital improvements.

While three scenarios were presented in the PFA, the peer review indicated that there should be a "base budget" which would spell out basic revenues and expenditures for the proposed city, and then modify that budget with the additional revenues, deferred expenditures and the other elements which comprise the three scenarios. In addition, EPS commented that the PFA "does not calculate the impact or potential additional mitigation payments to the County that may be required." EPS raises the question of whether the proposed city would need to provide fiscal mitigation ("revenue neutrality") to the County upon incorporation. This is another fiscal unknown in the PFA analysis.

In any event, in applying the peer review comments to the PFA budget it appears that without greenbelt, beach maintenance and lifeguard expense (Scenario 1) or without beach maintenance and lifeguard expense (Scenario 2), the incorporation budget is understated by \$248,700. By adding costs for beach maintenance and lifeguards (Scenario 3) that understated expense grows to \$298,700 in year 6.

## Further Financial Analysis

The peer review offers specific cost increases to certain expenditure categories. When these specific increases are presented as a range of costs, the lowest number of that range was utilized to keep the projections as conservative as possible. Also, not all of the suggestions for cost increases were included in this analysis as noted in Table I.

Other cost increases were developed in this report based on EPS suggestions, such as the increase of converting the city manager and treasurer positions from half-time to full-time. It should be noted that the authors of the PFA believe that this additional staffing is unnecessary. However, applying the peer review language to the PFA would suggest the following results in Table I.

| <b>Table I</b>   |          |  |                           |                           |
|--|----------|--|---------------------------|---------------------------|
| Function   | Cost     | Peer Comment   | Projected Additional Cost | Projected Reduced Revenue |
| <b>Scenarios #1 and #2</b>   |          |  |                           |                           |
| City Manager (P/T)   | \$81,900 | Part-time city manager insufficient, need full-time city manager     | \$81,900                  |                           |
| City Attorney  | 45,000   | Expect higher costs in initial years                                 | 25,000                    |                           |
| City Treasurer (P/T)   | 44,100   | Part-time treasurer insufficient, need full-time treasurer           | 44,100                    |                           |
| Development Services   | 183,800  | No estimate for planning / engineering <sup>(1)</sup>                | 0                         |                           |
| Animal Control   | 800      | Costs should be \$2,500 - \$5,500                                    | 1,700                     |                           |
| Non-Departmental   | 102,400  | No funding for HR, IT, audit, rent too low                           | 35,000                    |                           |
| Contingency (5%)   | 61,000   | Contingency should be 10% for a small city                           | 61,000                    |                           |
| <b>Additional expense for Scenarios 1 &amp; 2</b>  |          |  | <b>\$248,700</b>          |                           |
| <b>Scenario #3</b>   |          |  |                           |                           |
| Beach Maintenance(in year 6) <sup>(3)</sup>  | \$55,600 | Future sand replenishment should increase by \$16,000 <sup>(2)</sup> | \$0                       |                           |
| Lifeguards <sup>(3)</sup>  | 310,000  | Current contract at \$360,00 - \$380,000                             | 50,000                    |                           |
| <b>Additional expense for Scenario 3</b>   |          |  | <b>\$50,000</b>           |                           |
| <b>TOTAL ADDITIONAL EXPENSE – SCENARIO #3</b>  |          |  | <b>\$298,700</b>          |                           |
| <b>PROPERTY TAX REVENUE UNDERSTATED</b>  |          |  |                           | <b>\$100,000</b>          |
| <b>TOTAL ADJUSTMENT TO DETERMINE INCORPORATION FEASIBILITY</b>   |          |  |                           |                           |
| <b>Scenarios 1 and 2</b>   |          |  |                           | <b>\$348,700</b>          |
| <b>Scenario 3</b>  |          |  |                           | <b>\$398,700</b>          |
| <b>Notes:</b>  |          |  |                           |                           |
| (1) The peer review suggests that the PFA contains no cost estimate for planning/engineering staff. An additional cost was not added to this line item, however, since the PFA detail indicates costs are included for planning and engineering. |          |  |                           |                           |
| (2) The peer review indicated that sand replenishment should increase by \$16,000. While specifics are not included in the PFA, it is mentioned that sand replenishment was considered in developing the beach maintenance cost estimate.        |          |  |                           |                           |
| (3) The PFA assumes that the expense for beach maintenance and lifeguards will be assumed by the County for the first five years of incorporation and that the new city would not assume these expenditures until year 6.                        |          |  |                           |                           |

## Summary

Based on the EPS peer review comments, it would appear that the expense for Scenarios 1 and 2 should be increased by \$248,700. It would also appear that \$50,000 should be added to Scenario 3, once the proposed city assumes the costs for beach maintenance and the lifeguards in year six. In that case, the additional expense for running the new city would be \$298,700. That expenditure increase would be immediate, however, if the County is unwilling to maintain these services for the first five years of incorporation.

The EPS peer review of the PFA suggests that the incorporation of Sunset Beach is financially infeasible. By reducing a suggested \$100,000 in property tax revenue, added to the increased expenditures just described, the Sunset Beach city budget would be further out-of-balance by an additional \$348,700 for Scenarios 1 and 2, and eventually \$398,700 for Scenario 3.

This would mean that the net revenue for Scenarios 1 and 2 from years 2 – 10 would be a negative rather than a positive. Scenario 3 would also be in negative numbers during this same time period, particularly so in year 6 when the city assumes responsibility for beach maintenance and lifeguards.

## Financial Unknowns

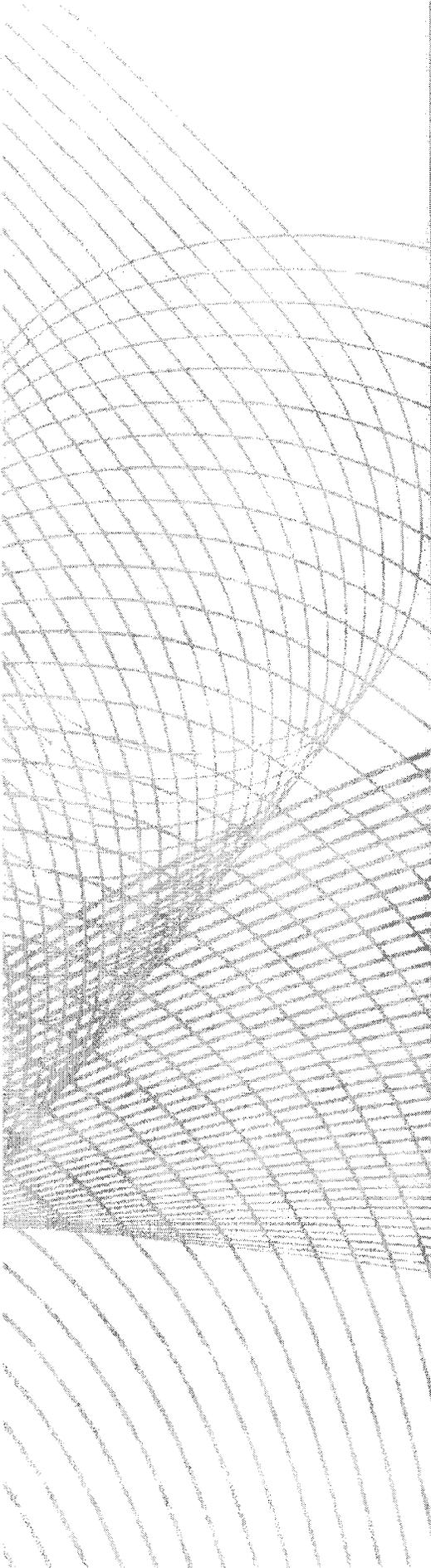
As fiscally infeasible as the incorporation of Sunset Beach appears based on the peer review, there are three major unknowns that in the first two cases could further increase the proposed city's expenditures, and a third that will increase these expenditures. These unknowns are:

1. The PFA assumes that the lowest cost provider for services, such as contracting for law enforcement from Seal Beach, will be available to the new city. Whether or not these services will materialize at these prices is unknown.
2. Potential additional mitigation payments from the potential city to Orange County might be required to achieve the required revenue neutrality. The EPS review points out, "County impacts and potential mitigation payments should be calculated in order to disclose all potential costs that may face the new city." The amounts of these potential additional costs are unknown.
3. The PFA acknowledges that there is no provision for funding capital improvement costs in its study. As an example, the PFA assumes that the new city would buy the existing fire station and annually pay the cost of financing the purchase, plus utilities. However, no funding is provided for bringing the building up to seismic or ADA standards. This and other potential capital improvement costs are unknown and would add to the proposed city's expenses.

## Conclusions

Based only on the PFA Scenarios 1 and 2 do not meet "the minimum criteria for feasibility" per the peer review. The review also concludes that the proposed city would experience annual shortfalls beginning in year five under Scenario 3. Also, there are additional expenditure and revenue adjustments which make the financial feasibility of Sunset Beach incorporation even more dubious with projected shortfalls in years 2 – 10. On top of all this, there is the potential

that there will be further additional expenses either through mitigation payments to Orange County and/or capital improvement expense on the part of the new city. Based on all of these factors it appears that there will be a major if not insurmountable challenge in demonstrating fiscal feasibility for this proposed city.



*Final Report*  
*Sunset Beach*  
*Annexation Study*  
*for the*  
**City of Huntington Beach**

*April 27, 2010*

**Project Staff:**  
*John Goss*

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ATTACHMENT NO. 10-8

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