

COASTAL CONSERVANCY

Staff Recommendation

January 18, 2007

**HUNTINGTON BEACH ACCESSWAY MANAGEMENT**

File No. 06-105

Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization to disburse up to twenty-five thousand dollars (\$25,000) to Orange County Coastkeeper to maintain the Conservancy's public access easement at Portofino Cove in Huntington Harbor, Huntington Beach.

**LOCATION:** Huntington Harbor in the City of Huntington Beach, Orange County.

**PROGRAM CATEGORY:** Public Access

---

**EXHIBITS**

Exhibit 1: Project Location

Exhibit 2: Site Map

Exhibit 3: Letters of Support

---

**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of twenty-five thousand dollars (\$25,000) to Orange County Coastkeeper (OCC) for the purpose of maintaining the public access easement at Portofino Cove currently held by the Conservancy. This authorization is subject to the condition that prior to the disbursement of any funds, OCC shall submit for the review and approval of the Executive Officer of the Conservancy a detailed work program and the names and qualifications of any contractors to be employed on the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400-31409 regarding establishing a system of public coastal accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

3. Orange County Coastkeeper is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Service Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the Public Resources Code.”

**PROJECT SUMMARY:**

Staff recommends authorization to disburse up to \$25,000 to Orange County Coastkeeper to manage and maintain a public accessway at Portofino Cove, currently held by the Conservancy. As part of its commitment to accept offers to dedicate public access easements, the Conservancy took title to the easement in the spring of 2006 to prevent it from expiring. Initially, the homeowners living adjacent to the accessway offered to manage it in compliance with the terms of the easement, but after a couple of months it was apparent that the level of management required was more than the homeowners wanted to assume. Subsequently, OCC expressed an interest in managing and maintaining the accessway, consistent with their mission to ensure the protection of public coastal resources.

The public access easement runs the length of a sidewalk that extends along the periphery of a small peninsula within Huntington Harbor. (See Exhibits 1 and 2.) Pursuant to a Coastal Commission permit, the homeowners’ associations holding the underlying fee title installed two gates across the sidewalk at the location of the accessway for security purposes. These gates need to be retrofitted with timed, automatic locks so they are open for public access to the walkway easement during daylight hours. Signs need to be posted indicating the walkway is open to the public, and benches and trash cans need to be installed. Once these upgrades are completed, the accessway will need to be maintained, which will include regular trash pickup and repair and replacement of the benches, signs and trash cans, as needed. The proposed grant will cover the costs of the site amenities and 2 years of management expenses.

OCC is dedicated to protecting and preserving Orange County’s marine habitats and watersheds through education, advocacy, restoration and enforcement. OCC recently added property management for the purpose of providing public coastal access and recreation to its repertoire of activities. The organization has been active in Orange County since 1999 and runs a variety of programs dealing with the issues of water quality.

**Site Description:** The easement runs the length of a sidewalk that extends approximately 500 feet along the periphery of a small peninsula in Huntington Harbor. Private boat docks extend along nearly the entire length of the easement, and private residences line the inland side. Seabridge Park, a city park, is adjacent to the easement, and the easement extends to the public parking lot that serves the park.

**Project History:** Conservancy staff has had conversations with City of Huntington Beach staff over the past couple of years in an effort to get the City to accept the remaining offers to dedicate in its jurisdiction, but to no avail. In October, following up on a recommendation from City staff, Conservancy staff contacted OCC. After visiting the site and discussing management responsibilities, OCC staff expressed interest in managing and maintaining this easement, and perhaps other public access easements in Huntington Harbor.

**PROJECT FINANCING:**

Coastal Conservancy	\$25,000
<b>Total Project Cost</b>	<b>\$25,000</b>

The anticipated source of Conservancy funding is the fiscal year 2006-07 appropriation from the Coastal Access Account. These funds are derived from Coastal Commission permit fees and may be used, as here, for “grants to...nonprofit entities or organizations for the development, maintenance and operation of new or existing facilities that provide public access to the coast” (Public Resources Code Section 30620(c)(2)).

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project will be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) relating to the provision of coastal public access. This project is consistent with Public Resources Code Section 31400.1, which allows the Conservancy to provide grants to nonprofit organizations to operate or manage coastal lands for public access purposes. OCC will use this grant to purchase signs, trash cans and benches, install them on the site, and perform routine trash collection and property management duties. This project is also consistent with Public Resource Code Section 31402.3(a) in that the Conservancy would be using Coastal Access Account funds to help OCC open an easement for public use.

The proposed project is also consistent with the Huntington Beach Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

**CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C**, this project will ensure that a public easement derived from an offer to dedicate is maintained for public use.

**CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the “Consistency with Conservancy's Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.

3. **Support of the public:** This project is supported by the Portofino Cove Homeowners Association and the Patio Homeowners Association.
4. **Location:** The proposed project would be located within the coastal zone of the City of Huntington Beach.
5. **Need:** This public access easement would not be opened and maintained for public use without financial support from the Conservancy.
6. **Greater-than-local interest:** The project involves one of many easements created by the Conservancy's acceptance of an offer to dedicate under the Coastal Act. Acceptance of these offers and the subsequent development and maintenance of these accessways ensures that the availability of coastal access along the California coastline for a broad array of residents and visitors.

**Additional Criteria**

7. **Urgency:** The Conservancy currently holds title to the access easement, but is unable to open it without the involvement of a committed and local manager. OCC is willing to provide the site management necessary to serve public users, who are eager to gain access to the walkway and the fishing and viewing opportunities it provides.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** OCC is ready to hire contractors to install new locks and signs and undertake the other activities necessary to opening the accessway as soon as the grant is approved.
13. **Realization of prior Conservancy goals:** One of the Conservancy's goals is to have all outstanding offers to dedicate accepted and opened. This project helps achieve that goal.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Local Coastal Program is included in the Coastal Element of the City of Huntington Beach's General Plan. This project is consistent with Objective C2.5.1 regarding maintaining and enhancing existing public access to the shoreline and waterways in Huntington Harbor, where feasible, and where privacy and habitat will not be impacted.

**COMPLIANCE WITH CEQA:**

Funding for ongoing maintenance and management of an existing accessway is categorically exempt from California Environmental Quality Act review pursuant to 14 California Code of Regulations Section 15301, since it involves only maintenance and minor alteration of an existing public facility, and negligible expansion of use. Staff will file a Notice of Exemption upon Conservancy approval.