

COASTAL CONSERVANCY

Staff Recommendation
December 4, 2014

**HUNTINGTON HARBOR ACCESSWAY MANAGEMENT
PHASE THREE**

File No. 06-105-03
Project Manager: David Hayes

RECOMMENDED ACTION: Authorization to disburse an additional \$32,110 (thirty two thousand one hundred ten dollars) to Orange County Coastkeeper for ongoing maintenance of the 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](#)

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 up to \$32,110 (thirty two thousand one hundred ten dollars) to augment the existing grant to Orange County Coastkeeper (OCC) for the purpose of maintaining the public access easement at Portofino Cove. 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 current Project Selection Criteria and Guidelines.

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 \$32,110 to Orange County Coastkeeper (OCC) to enable it to continue to maintain a public accessway at Portofino Cove. The easement is currently held by the Conservancy but is being transferred to OCC. 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.) Most of the Harbor is inaccessible to the public, as it is surrounded by private residences and boat docks. This easement provides opportunity for the public to view the harbor. Maintenance activities include regular trash pickup and repair and replacement of the benches, signs and trash cans, as needed. The proposed grant is expected to cover 5 years of management expenses.

OCC is dedicated to protecting and preserving Orange County’s marine habitats and watersheds through education, advocacy, restoration and enforcement and is also dedicated to operation and management of coastal access and recreation for the benefit of the public. 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. The easement provides viewing access to Huntington Harbor for the visiting public. 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: 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. In February 2009 the Conservancy approved a grant of \$26,000 for the same purpose of maintaining the public accessway and authorized the transfer of the public accessway from the Conservancy to OCC. Conservancy staff anticipates that the transfer to OCC will be completed in the near future.

OCC has done an excellent job of maintaining the site, and both the adjacent homeowners and visitors are enjoying the accessway. In 2014 the adjacent homeowners’ association at Portofino Cove initiated discussions with OCC regarding maintenance of the accessway. However, the HOA is not willing to contribute funds to OCC to offset the maintenance costs, preferring to get paid to perform those duties. As the HOA is not incorporated as a 501(c)(3) nonprofit organization, the Conservancy cannot grant to it directly. OCC is willing to continue the maintenance duties and there have been no complaints since OCC took over this responsibility.

PROJECT FINANCING:

Coastal Conservancy	\$32,110
Total Project Cost	\$32,110

The anticipated source of Conservancy funding is the fiscal year 2012-2013 and 2014-2015 appropriations 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 perform routine trash collection and property management duties. This project is also consistent with PRC Section 31402.3(a), since the grant to OCC will utilize Coastal Access Account funds will ensure that the easement remain open for public use for an additional five years.

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 B**, this project will ensure that a public easement derived from an offer to dedicate is maintained and remains open 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, last updated on October 2, 2014, 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. Promotion and Implementation of State Plans and Policies:** This project is consistent with *California @ 50 Million*, (California Office of Planning and Research, September 2013

discussion draft) which recommends that the State “Support and invest in active transportation projects, such as walking and biking infrastructure, including safe routes to schools.” Providing public access along Huntington Harbor provides pedestrian infrastructure to support this statewide goal.

4. **Support of the public:** This project is supported by the Portofino Cove Homeowners Association and the Patio Homeowners Association.
5. **Location:** The proposed project is located within the coastal zone of the City of Huntington Beach.
6. **Need:** This public access easement would not be opened and maintained for public use without financial support from the Conservancy.
7. **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 the availability of coastal access along the California coastline for a broad array of residents and visitors.

Additional Criteria

10. **Leverage:** See the “**Project Financing**” section above.
13. **Readiness:** OCC is already managing this accessway and the proposed grant would enable it to continue its work.
14. **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.