

COASTAL CONSERVANCY

Staff Recommendation
November 19, 2020

HUNTINGTON HARBOR PORTOFINO COVE ACCESSWAY

Project No. 06-105-04
Project Manager: Greg Gauthier

RECOMMENDED ACTION: Authorization to disburse up to \$24,000 to Orange County Coastkeeper for management and maintenance of the public access easement at Portofino Cove in Huntington Harbor in the City of Huntington Beach.

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

PROGRAM CATEGORY: Coastal Access

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Portofino Cove Accessway Images](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 to 31410 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed twenty-four thousand dollars (\$24,000) to Orange County Coastkeeper (“the grantee”) to manage and maintain the public access easement at Portofino Cove in Huntington Harbor in the City of Huntington Beach, Orange County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained for the project.
3. A plan for acknowledgement of Conservancy funding.”

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 authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
 3. The Orange County Coastkeeper is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.”
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PROJECT SUMMARY:

Staff recommends authorization to disburse up to \$24,000 to Orange County Coastkeeper to enable it to continue to maintain a public accessway easement at Portofino Cove in Huntington Harbor in the City of Huntington Beach, Orange County. The easement is held by the Conservancy. Most of the Harbor is inaccessible to the public, as it is surrounded by private residences and boat docks. This easement provides an 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 project is expected to cover 3 years of management expenses.

Site Description: The public access easement runs the length of a sidewalk that extends approximately 500 feet along the periphery of a small peninsula within Huntington Harbor. (See Exhibits 1 and 2.) 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.

Grantee Qualifications: Orange County Coastkeeper is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code. Orange County Coastkeeper 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 accessways and recreation areas for the benefit of the public. The organization has been active in Orange County since 1999 and runs a variety of water quality and marine habitat restoration programs. Orange County Coastkeeper has managed and maintained the Portofino Cove accessway since 2009 through previous grants from the Conservancy.

Project History: As part of its commitment to accept offers to dedicate public access easements, the Conservancy took title to the Portofino Cove easement in the spring of 2006 to prevent it from expiring. In February 2009, the Conservancy approved a grant of \$26,000 for the purpose of maintaining the public accessway. Orange County Coastkeeper has done an excellent job of maintaining the site, and both the adjacent homeowners and visitors enjoy the accessway.

PROJECT FINANCING

Coastal Conservancy	\$24,000
Project Total	\$24,000

The anticipated source of Conservancy funding is the fiscal year 2020 - 2021 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 shoreline of the sea” (Public Resources Code Section 30620.2).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code, Sections 31400 to 31410 regarding the implementation of a system of public accessways for access and enjoyment of coastal resources.

Section 31400.1 states that the Conservancy may award funds to nonprofit organizations to manage lands for public access purposes. Orange County Coastkeeper is a nonprofit organization that will use the proposed project grant funds to manage the Portofino Cove public accessway. Pursuant to Section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations maintaining a system of public coastal accessways, and related functions necessary to meet the objectives of Division 21. The Orange County Coastkeeper proposes to maintain this important accessway for public viewing and enjoyment.

CONSISTENCY WITH CONSERVANCY’S ACCESS PROGRAM STANDARDS:

Standard No. 1, Protect Public and Coastal Resources: This standard states that coastal access facilities should be subordinate to the setting’s character, prevent unwarranted hazards to the land and public safety, ensure the privacy of adjoining residences, and prevent crowding and parking congestion. The Portofino Cove accessway is located adjacent to ample parking, provides safe access to a walkway that provides views of Huntington Harbor, and has a lockable gate to prevent inappropriate access during closed hours.

Standard No. 3, Access Easements: Construction and Location: This standard states that accessways built on easements, such as offers-to-dedicate, should be no wider than necessary. Width of accessways can vary from a minimum of 30 inches for a trail to 10 feet or wider for ramps or paved walkways, depending on topography and the existing development. Wheelchair access should be provided wherever possible. The Portofino Cove accessway is comprised of a 10-foot wide walkway that allows for wheelchair access.

Standard No. 4, Privacy: This standard states that the design and location of accessways should consider the privacy of adjoining residences. Vertical accessways may be fenced or screened with landscaping on the property line and be closed at night, depending on the needs of the adjoining residences. The Portofino Cove accessway is secured with two locking gates that can be secured to prevent access at night.

Standard No. 9, Scenic Overlooks: The Portofino Cove accessway provides a unique scenic view of Huntington Harbor that is not available elsewhere due to private residences and boat docks. Consistent with the scenic overlooks standard, this accessway is accessible to those with physical disabilities.

Standard No. 13, Barrier-Free Access: Consistent with Accessway Standard 13, the Portofino Cove accessway provides barrier-free access.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective 2D** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will maintain and enhance a coastal recreational opportunity 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:** The proposed project meets the goals of California @ 50 Million: The Environmental Goals and Policy Report. (Pg. 27, 5) The proposed project provides funding for management and stewardship of coastal lands to protect them for the benefit of future generations.
4. **Support of the public:** This project is supported by Portofino Cove Homeowners Association, Friends of Harbors, Beaches and Parks, and Orange County Coastkeeper.
5. **Location:** The proposed project would be located within the coastal zone of the City of Huntington Beach, Orange County.
6. **Need:** Without Conservancy funding, this unique public accessway would remain closed to the public.

7. **Greater-than-local interest:** The City of Huntington Beach is a world-wide surfing, boating and coastal recreation destination. The proposed project provides a unique opportunity to view Huntington Harbor and Portofino Cove that is not available elsewhere in the harbor due to private homes and boat docks. 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.
8. **Sea level rise vulnerability:** The proposed project area may be susceptible to flooding associated with California King Tides a few times each year. Huntington Harbor has utilized a pumping system during these events to prevent flooding of the nearby Pacific Coast Highway. Future sea level rise mitigation planning by the City of Huntington Beach will need to include Huntington Harbor Portofino Cove public accessway.

Additional Criteria

9. **Urgency:** The accessway is currently closed due to lack of funding.
10. **Readiness:** Orange County Coastkeeper has managed the subject accessway since 2009 and is ready to resume management and stewardship responsibilities.
11. **Realization of prior Conservancy goals:** One of the Conservancy's goals is to preserve coastal properties. This project helps achieve that goal.

CEQA COMPLIANCE:

Funding for maintenance of an existing accessway is categorically exempt from California Environmental Quality Act review pursuant to 14 California Code of Regulations Section 15301, because it involves only maintenance of an existing public facility, and no expansion of use. Section 15301(c) uses as an example "[e]xisting ...sidewalks...bicycle and pedestrian trails, and similar facilities" analogous to the accessway to be maintained under this authorization.

Staff will file a Notice of Exemption upon Conservancy approval.