



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Jason Kelley, Assistant Planner
DATE: May 11, 2004

SUBJECT: GENERAL PLAN AMENDMENT NO. 04-01 (COMPLIANCE WITH NPDES REQUIREMENTS)

APPLICANT: City of Huntington Beach Planning Department, 2000 Main Street, Huntington Beach, CA 92648

LOCATION: Citywide

STATEMENT OF ISSUE:

- ◆ General Plan Amendment No. 04-01 request:
 - Amend the Land Use Element to expand on water quality protection and preservation.
 - Amend the Environmental Resources / Conservation Element by adding a water resource and water quality management section.
 - Amend the Circulation Element to identify potential impacts of transportation related sources of water pollution.
 - Amend the Utilities Element and Growth Management Element to ensure all types of development address preservation of water quality.
- ◆ Staff's Recommendation: Approve General Plan Amendment No. 04-01 and forward to the City Council for adoption based upon the following:
 - It will provide greater focus on the protection of water bodies and a more rigorous application of BMPs in development and redevelopment projects.
 - It will satisfy the requirements of the Santa Ana Regional Water Quality Control Board Permit to minimize short and long-term impacts on receiving water quality from new development and substantial redevelopment.

RECOMMENDATION:

Motion to:

“Approve General Plan Amendment No. 04-01 and forward Resolution No. _____ (Attachment No. 1) to the City Council for adoption.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue General Plan Amendment No. 04-01 and direct staff accordingly.”

PROJECT PROPOSAL:

General Plan Amendment No. 04-01 is a request to amend the Land Use Element, Environmental Resources / Conservation Element, Circulation Element, Utilities Element and Growth Management Element to ensure that watershed protection principles and polices are properly addressed. The proposed changes include revisions and additions to the goals, objectives, policies and implementation programs of the various Elements. The amendments are necessary to ensure compliance with the renewed National Pollutant Discharge Elimination System (NPDES) stormwater permit issued by the Santa Ana Regional Water Quality Control Board in 2002.

Background

In May 1997, the City of Huntington Beach certified to the Santa Ana Regional Board (SARWQCB) that it was implementing the new development and redevelopment water quality requirements of the area wide National Pollutant Discharge Elimination System (NPDES) storm water permit approved for the County of Orange and its cities.

In 2002, the SARWQCB renewed the NPDES Stormwater Permit for the County of Orange and its cities. The new Third Term Stormwater Permit includes a number of new requirements. One of the requirements is the review of the City's General Plan to ensure that watershed protection principles and policies are properly considered and incorporated into the document. Pursuant to the permit, the principles and policies should include, but not be limited to, the following:

- Limit the disturbance of natural water bodies and drainage systems;
- Conserve natural areas;
- Protect slopes and channels;
- Minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies;
- Minimize changes in hydrology and pollutant loading, by incorporating Best Management Practices (BMPs);
- Ensure that post-development runoff rates from a site have no significant adverse impact on downstream erosion;
- Minimize the quantity of storm water directed to impermeable surfaces;
- Preserve wetlands, riparian corridors and buffer zones and establish reasonable limits on the clearing of vegetation from the project site;
- Encourage the use of water quality wetlands, biofiltration swales, watershed-scale retrofits, etc., where such measures are likely to be effective and technically and economically feasible.
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.

ISSUES:

General Plan Conformance:

The proposed general plan amendment is consistent with the goals and objectives of the City's General Plan. Modifications to the goals, objectives and policies will be made; however, approval of the amendment is consistent with the following policies and implementation programs:

A. Land Use Element

Policy LU 5.1.2: Establish procedures, requirements, and programs for Huntington Beach's compliance with regional, State, and Federal environmental requirements, including such legislation as, but not limited to, the Clean Air Act, Clean Water Act, and Congestion Management Plan.

B. Environmental Resources/Conservation Element

Policy ERC 2.1.18: Require efforts which reduce urban storm water, including the:

b. adoption of guidelines to reduce runoff from construction sites. These implementation guidelines will be developed with the guidance and approval of the SARWQCB and the State Water Resources Control Board.

As part of SARWQCB renewed NPDES Stormwater Permit for the County of Orange and its cities, new and revised goals, objectives and policies are necessary to expand on the protection and maintenance of environmental resources for new and redevelopment projects.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status: The EIR certified for the 1996 General Plan adoption is a Program EIR as defined in Section 15168 of the State CEQA Guidelines. As such, the EIR examines impacts associated with the long-term implementation of the General Plan, particularly build-out of vacant and underutilized properties in accordance with adopted land use policy. The analysis contained in the General Plan Program EIR indicated that most potentially significant effects associated with the General Plan implementation could be avoided or reduced to levels considered less than significant. However, policies in the General Plan would not completely mitigate long-term, significant impacts relative to traffic, air quality and noise.

Section 15168(C)(2) of the Guidelines states that if a project is proposed which has been the subject of a prior certified EIR or adopted Negative Declaration, and "if the agency (City) finds that pursuant to Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required." General Plan Amendment No. 04-01 for compliance with NPDES requirements meets this criteria.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: There are no concerns from other City departments.

Public Notification:

A copy of the legislative draft was sent to the Bolsa Chica Land Trust, Huntington Beach Chamber of Commerce, Amigos De Bolsa Chica, Orange County Coastkeeper, Huntington Beach Tomorrow, Huntington Harbour POA, The Huntington Beach Environmental Board, Huntington Beach Wetlands Conservancy, and the Surfrider Foundation for review and comment on April 12, 2004. The legal notice was published in the Huntington Beach/Fountain Valley Independent on May 1, 2004 and notices were

sent to individuals/organizations requesting notification (Planning Department's Notification Matrix) and interested parties. As of May 5, 2004, no communication supporting or opposing the request has been received.

Application Processing Dates: Not applicable.

ANALYSIS:

Planning and Public Works Staff reviewed the goals, objectives, policies and implementation programs of the General Plan and concluded that modifications to the Land Use Element, Environmental Resources/Conservation Element, Circulation Element and Utilities Element should be made to comply with SARWQCB water quality protection principles. In addition, the Public Works Department identified some updates for the Growth Management Element, which are being included in this General Plan Amendment. The proposed legislative drafts of each Element are attached for further clarification. Brief summaries of the proposed changes are as follows:

Land Use Element:

Policies LU 5.1.4 – 5.1.8 would be added to expand on the protection and maintenance of environmental resources as new development and redevelopment projects occur. The new policies focus on water quality protection and preservation, which can diminish due to new development and redevelopment.

Environmental Resources / Conservation Element:

A separate section has been created titled "Water Resources and Water Quality Management" to introduce the water resources in Huntington Beach. This section identifies the causes of urban runoff along with the mechanisms to reduce urban pollutants and improve water quality. Policies ERC 2.1.16 – ERC 2.1.18 and with Goal ERC 6, Objective ERC 6.1 and Policies ERC 6.1.1 – ERC 6.1.10 have been added or modified to achieve compliance with the new SARWQCB's NPDES requirements. In addition, Implementation Programs I-ERC 2 and I-ERC 4 have been updated to adequately address storm water protection.

Circulation Element:

Two additional subsections of Implementation Program I-CE 4 would be added to the Circulation Element to mitigate potential impacts of transportation related sources of water pollution.

Utilities Element:

Minor editing changes to the Goals, Objectives, Policies and Implementation Programs were made to ensure all types of development (i.e. new development, redevelopment, existing development) address preservation of water quality.

Growth Management Element:

Minor editing changes to a few of the Policies and Implementation Programs. The changes are recommended only as updates or clarification.

Planning Commission Study Session Inquiries:

At the April 27, 2004 study session, the Planning Commission reviewed the legislative drafts and discussed additional language that could be added throughout the various Elements to strengthen

compliance with NPDES requirements. Language that has been incorporated into the legislative drafts pursuant to this discussion is shown as bold italicized text. The key changes made pursuant to the study session discussion are listed below.

- Expanded list of receiving waters (Attachment No. 3.1-3.2)
- Included reference to Huntington Beach Wetlands (Attachment No. 3.3-3.4)
- Retained Policy 2.1.16 (Attachment No. 3.4)
- Made reference to “approved” technology (Attachment 3.5)
- Made language referencing use of native/drought tolerant landscaping consistent (Attachment No. 3.8 and 6.2)
- Added implementation program to expand coordination with other agencies (Attachment No. 3.10, 4 and 5.3)

Additional questions were raised by the Planning Commission regarding:

1. The status and location of sensitive biological elements throughout the City is located in Table ERC 1 of the General Plan (ERC 2.1.1 and I-ERC 2b).
2. The freshwater riparian habitat to the southwest of Central Park refers to Huntington Lake (ERC 2.1.7).
3. Contract with a consulting biologist and/or other appropriate environmental professionals, as funding permits (I-ERC 2c). According to the 2002 General Plan review, there has been no action on this implementation program due to lack of resources.
4. A list of approved drought-tolerant plants (I-GM 5e) has not been created and approved by the City. The City currently utilizes various landscaping books including Sunset Western Garden.

Staff recommends the Planning Commission approve General Plan Amendment No. 04-01 and forward it to the City Council for adoption because it will satisfy the requirements of the SARWQCB to minimize short and long term impacts on receiving water quality from new development and substantial redevelopment and provides greater focus in the General Plan on the protection of water quality.

ATTACHMENTS:

1. Resolution No. _____ (GPA No. 04-01)
2. Land Use Element Legislative Draft
3. Environmental Resources / Conservation Element Legislative Draft
4. Circulation Element Legislative Draft
5. Utilities Element Legislative Draft
6. Growth Management Element Legislative Draft

SH:HF:MBB;jk:rl