

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, FEBRUARY 21, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Jane James, Jeanie Cutler (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: NEGATIVE DECLARATION NO. 2005-005/ COASTAL DEVELOPMENT PERMIT NO. 2005-007 (NEWLAND STREET IMPROVEMENTS):

**APPLICANT/
PROPERTY OWNER:** City of Huntington Beach Public Works Department, Douglas A. Erdman, PE, Associate Civil Engineer

REQUEST: To permit the widening and improvement of Newland Street from Pacific Coast Highway to Hamilton Avenue, including widening the reinforced concrete bridge at Huntington Channel, installation of storm drain improvements, and raising the profile of Newland Street to improve traffic visibility.

LOCATION: Newland Street, between Pacific Coast Highway and Hamilton Avenue

PROJECT PLANNER: Jane James

Jane James, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary, emphasizing the improvements and mitigation measures recommended by the Environmental Assessment Committee.

Staff stated that five comment letters had been received with concerns including keeping the mitigation local, addressing storm drainage and bacteria issues. Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary

Herb Fauland, Acting Zoning Administrator, stated he had driven by the site and is very aware of the safety and traffic issues related to the bridge. Mr. Fauland stated he had reviewed the documentation including the Mitigated Negative Declaration, the Errata and staff's response to the five comment letters and the change to mitigation measure, and had also met with staff to go over the technical issues.

THE PUBLIC HEARING WAS OPENED.

Douglas Erdman, Department of Public Works (PW) Associate Civil Engineer, confirmed he had reviewed the suggested conditions of approval and mitigation measures and found them to be acceptable.

Robert London Moore, Mills Land & Water Company, had several questions concerning the location of the improvements, possible flooding due to removal of the drainage ditch and the timeframe for the project.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Todd Broussard, Department of Public Works, Principal Civil Engineer, addressed Mr. Moore's questions stating that the existing Newland Street has culverts that cross and connect the existing unapproved drainage ditch to the west side of Newland, and those culverts will be replaced along with the storm drains which will address the drainage issue along the westerly side. Installation of the new storm drain and gravity flow system would address the flooding issue.

Mr. Broussard stated that the City has not obtained right-of-way on the west side of Newland, north and south of the bridge over Huntington Channel.

Mr. Broussard stated that they (PW) anticipated going out to bid on the project in the spring of 2007 for a construction period of approximately one year.

Mr. Moore asked if there were any plans to acquire the right-of-way on the west side and Mr. Broussard stated that several years ago they (PW) had attempted to obtain the right-of-way but were unable to come to a mutual agreement.

Mr. Fauland stated that staff answered technical numerical questions with regards to wetland areas. Mr. Fauland concurred with the change in mitigation measure and agreed that the mitigation be within the City limits, within close proximity to the project.

Mr. Fauland noted that condition No.3, which is mitigation measure BIO 2 identified on page 17 of the Draft Mitigated Negative Declaration, will be included in the conditions of approval.

Mr. Fauland stated he had reviewed all the documentation and believes the Response to Comments and revision to mitigation measures are consistent with City and State requirements for mitigation of such improvements and concurs with those recommendations. Mr. Fauland stated he has reviewed the suggested findings for approval for both the Draft Mitigated Negative Declaration and the Coastal Development Permit and finds them to be sufficient for this project, and based upon all the documents presented; the Errata and Response to Comments to the Draft Mitigated Negative Declaration with the revisions along with the inclusion of the second mitigation measure, Mr. Fauland stated that he was going to approve the requested Negative Declaration and Coastal Development Permit.

NEGATIVE DECLARATION NO. 2005-005/ COASTAL DEVELOPMENT PERMIT NO. 2005-007 WAS APPROVED BY THE ACTING ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ACTING ZONING ADMINISTRATOR STATED THAT

THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR APPROVAL – NEGATIVE DECLARATION NO. 2005-005:

1. The Negative Declaration No. 2005-005 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration and Coastal Development Permit No. 2005-007. As a result of comments received an Errata to Negative Declaration No. 2005-005 was prepared and considered by the Zoning Administrator prior to action on the subject entitlement.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. The proposed street improvement project will impact 0.16 acres of wetlands by construction of improvements in the Huntington Channel and by eliminating a drainage ditch on the east side of Newland Street. Loss of this wetland acreage will be fully mitigated through an agreement and payment of funds to the Wetlands and Wildlife Conservancy to restore an existing 1.597 acre site with water supply, grading, and vegetation removal resulting in a total 0.97 acre restored wetland area.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the conditions of approval for CDP NO. 2005-007, will have a significant effect on the environment.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2005-007:

1. Coastal Development Permit No. 2006-007 for the improvements to Newland Street between Pacific Coast Highway and Hamilton Avenue, including widening the reinforced concrete bridge at Huntington Channel, installation of storm drain improvements, and raising the profile of Newland Street to improve traffic visibility, conforms with the General Plan, including the Local Coastal Program.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The street widening and improvement project is compatible with zoning designations on the adjacent properties. No above ground structures, other than street lights and pet waste bag stations are proposed in conjunction with the street improvement project. New sidewalks, landscaping, and infrastructure improvements are all consistent with surrounding zoning designations.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project includes infrastructure improvements to the street system, storm drain, and bridge over Huntington Channel. No other infrastructure improvements, other than standard maintenance, are necessary for the long-term operation of the proposed street improvement project.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed street improvement project will not result in negative impacts to public access and recreation opportunities within the Coastal Zone.

Conversely, the projects results in improved access to coastal resources by improving the quality of the street, restriping bike lanes on both the east and west sides of Newland Street, improving the sight visibility over the Huntington Channel, and constructing a sidewalk on the east side of Newland Street between Pacific Coast Highway and Huntington Channel, where no sidewalk exists today.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2005-007:

1. The site plan, floor plans, and elevations received and dated March 11, 2006 shall be the conceptually approved design.
2. Prior to issuance of grading permits, the City of Huntington Beach shall enter into an agreement with the Huntington Beach Wetlands Conservancy for restoration of the Upper Magnolia Marsh, a 1.6 acre site owned by the Conservancy. The agreement shall identify the three restoration elements of water supply, grading, and vegetation removal, shall provide for full funding of the \$70,835.00 project from the City to the Conservancy, and shall obligate the Conservancy to carry out the restoration and monitoring of the project pursuant to the standards of the California Department of Fish and Game. The full \$70,835.00 shall be transferred from the City to the Conservancy prior to issuance of grading permits for the Newland Street Improvement project but the City may also obtain restoration credits and satisfy mitigation requirements for approximately 0.4 acres of wetlands anticipated to be effected by the Magnolia Street Improvement project in the future (Mitigation Measure BIO 1).
3. During construction, an inflatable dam or similar device shall be utilized on only one side of the channel at a time. Water shall be routed around the construction area and continuous water exchange up and down the channel shall be maintained. (Mitigation Measure BIO 2).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:10PM BY THE ACTING ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, FEBRUARY 28, 2007 AT 1:30 PM

Herb Fauland
Acting Zoning Administrator

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