



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Hayden Beckman, Planning Aide *HB*  
**DATE:** January 27, 2009

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 08-004 (WETLANDS RESTORATION EXCHANGE OF EASEMENTS)**

**APPLICANT:** Jimmy Villalobos, Orange County Public Works Dept., 300 N. Flower Street, Santa Ana, CA 92702

**PROPERTY**

**OWNER:** Orange County, 300 N. Flower Street, Santa Ana, CA 92702;  
Gary Gorman, Huntington Beach Wetlands Conservancy, 21900 Pacific Coast Highway, Huntington Beach, CA 92646

**LOCATION:** 21900 Pacific Coast Highway, 92646 (North of Pacific Coast Highway, between Brookhurst Street and the AES Power Plant)

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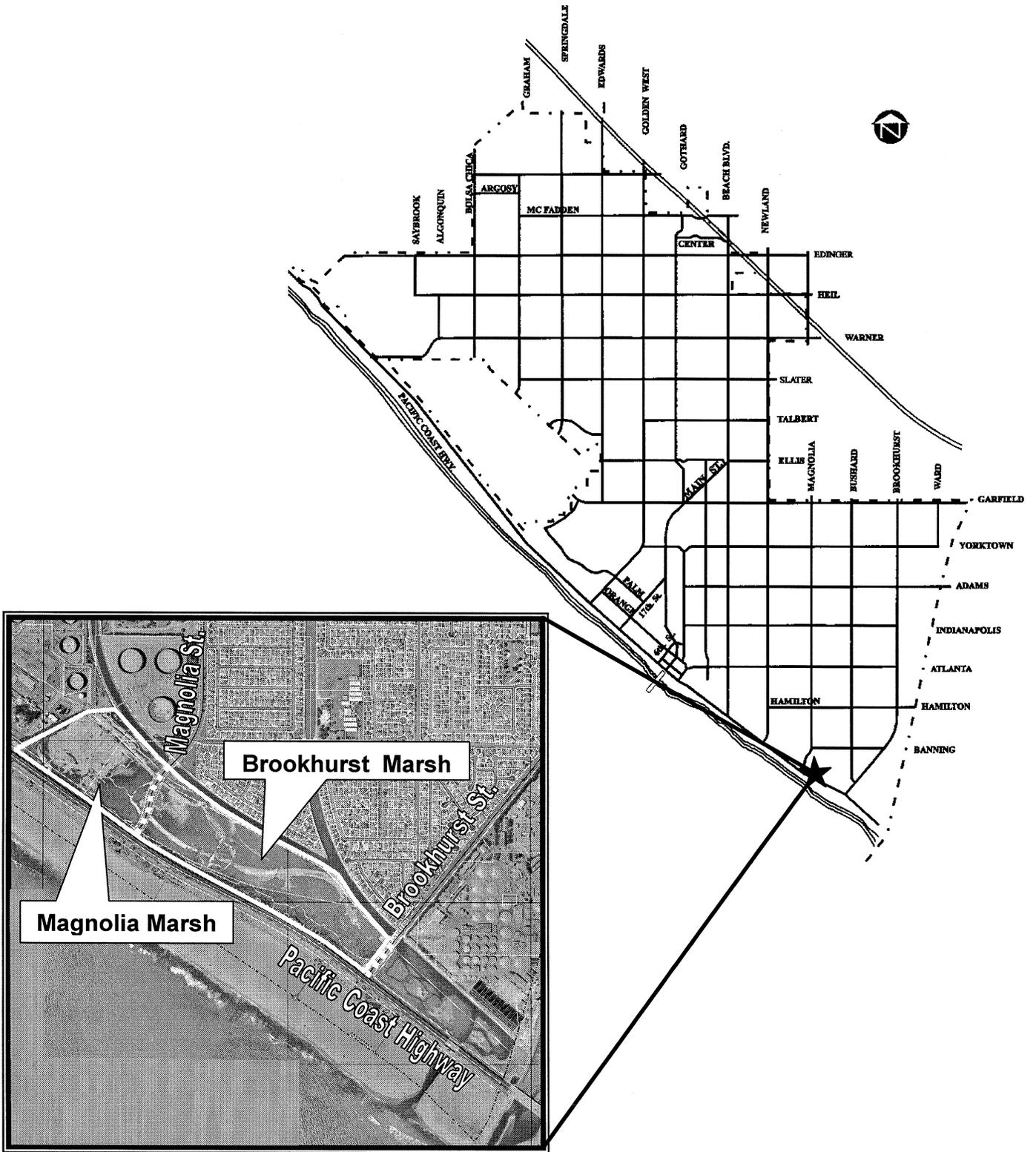
**STATEMENT OF ISSUE:**

- ◆ General Plan Conformance No. 08-004 request:
  - To determine if an exchange of easements between the Orange County Flood Control District (OCFCD) and the Huntington Beach Wetlands Conservancy (HBWC) for the purposes of habitat restoration and flood control improvements is in conformance with the goals, objectives, and policies of the General Plan.
- ◆ Staff's Recommendation: Approve General Plan Conformance No. 08-004 based upon the following:
  - The proposed project conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

Motion to:

“Adopt Resolution No. 1629, approving General Plan Conformance No. 08-004 with findings (Attachment Nos. 1 and 2).”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2008-004**  
**(WETLANDS RESTORATION EXCHANGE OF EASEMENTS)**

**ALTERNATIVE ACTION:**

The Planning Commission may take alternative actions such as:

- A. “Continue General Plan Conformance No. 08-004 and direct staff accordingly.”
- B. “Deny General Plan Conformance No. 08-004 with findings for denial.”

**PROJECT PROPOSAL:**

General Plan Conformance No. 08-004 represents a request, pursuant to Section 65402 of the California Government Code, by the Orange County Public Works Department to determine if an exchange of easements between the OCFCD and the HBWC is in conformance with the goals, objectives, and policies of the General Plan. The request pertains to easements on vacant parcels within the area bounded by a previously approved wetlands restoration project (Conditional Use Permit No. 2007-036). The proposed easements would allow: 1) the OCFCD to introduce flowage of urban runoff, storm or tidal water over HBWC property for the purpose of environmental rehabilitation, and 2) an access easement granted to the HBWC for the purposes of wetlands restoration and maintenance activities over County property adjacent to the Huntington and Talbert Channels.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	OS – C (Open Space – Conservation), P (Public)	CC – CZ – O – FP2 (Coastal Conservation – Coastal Zone Overlay – Oil Production Overlay – Floodplain Overlay)	Wetlands
North of Subject Property (across Huntington Beach Channel):	P, RL – 7 (Residential Low Density – Maximum 7 units per acre)	PS – CZ – O – FP2 (Public-Semipublic – Coastal Zone Overlay – Oil Production Overlay – Floodplain Overlay), RL – CZ (Residential Low Density – Coastal Zone Overlay)	Storage tanks and single-family residential
East of Subject Property (across Brookhurst Street)	OS – C	CC – CZ	Wetlands
South of Subject Property: (across PCH)	OS – S (Open Space – Shore)	OS – S – CZ – FP2 (Open Space – Shoreline – Coastal Zone Overlay – Floodplain Overlay)	Beach
West of Subject Property:	P	PS – CZ – O, IG – CZ – O (Industrial General – Coastal Zone Overlay – Oil Production Overlay)	AES Power Plant

**General Plan Conformance:**

The only issue to consider as part of this request is the proposed exchange of easements and its conformance to the City’s General Plan. The cooperative agreement between agencies to exchange easements conforms to the following goals, objectives, and policies of the General Plan:

**A. Land Use Element**

LU Goal 5: *Ensure that significant environmental habitats and resources are maintained.*

LU Policy 5.1.3: *Participate in inter-jurisdictional and regional environmental management and mitigation programs.*

LU Policy 5.1.5: *Preserve or restore areas that provide water quality benefits and/or are necessary to maintain riparian and aquatic biota.*

LU Policy 5.1.8: *Preserve and/or acquire areas of open space that have water quality significance and minimize any clearing of vegetation from those developed sites.*

The project involves multiple parcels under ownership by the OCFCD and the HBWC. The proposed exchange of easements would allow for access and encroachment onto each agency’s property by the other for the purposes of flood control improvements to the Huntington Beach Channel, as well as environmental rehabilitation of the wetlands area. The restoration efforts by both agencies support the continued maintenance and stabilization of existing habitat and open space resources.

**B. Coastal Element**

C Goal 4: *Preserve and, where feasible, enhance and restore the aesthetic resources of the City’s Coastal Zone, including natural areas, beaches, harbors, bluffs and significant public views.*

C Goal 7: *Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City’s Coastal Zone.*

C Objective 7.2: *Promote the improvement of biological productivity and appearance of wetlands and environmentally sensitive habitats.*

C Policy 7.2.1: *Promote the re-establishment of tidal flushing in wetland areas.*

C Policy 7.2.4: *Encourage the Orange County Flood Control District to improve, and continue to maintain once improved, the Huntington Beach and Talbert Flood Control Channel embankment from Beach Boulevard to the Santa Ana River by implanting the following measures:*

- a) Restore and enhance tidal flows into the area and expand the existing mudflat and saltmarsh habitats.*

- b) Plant native plant species to enhance wildlife diversity.*
- c) Enhance the visual appearance of wetland areas.*
- d) Projects that impact the wetlands shall be sited and designed to improve the overall functioning of the wetland ecosystem.*

Located within the City's Coastal Zone, the project will allow inter-agency restoration of an environmentally sensitive habitat area and enhance the appearance of wetlands within a scenic corridor. Tidal flows are scheduled to be re-introduced to the wetlands in order to advance the restoration efforts. The proposed exchange of easements will allow access between the flood control channel and the wetlands area for tidal flushing as well as improvements to the Huntington Beach Flood Control Channel for continued preservation of the wetland areas bounded by the project site.

**Zoning Compliance:** Not applicable.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

The General Plan conformance review is categorically exempt pursuant to Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

No comments regarding General Plan Conformance No. 08-004 have been received from other City departments or agencies.

**Public Notification:**

General Plan Conformances are non-public hearing items and do not require legal notification.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**  
January 20, 2009

**MANDATORY PROCESSING DATE(S):**  
February 28, 2009 (within 40 days of submittal)

**ANALYSIS:**

The Government Code of the State of California, Section 65402, requires that a local planning agency review any real property acquisition or in this case, the exchange of easements for public purposes, for conformance with the local General Plan. The proposed exchange of easements supports cooperation between agencies for the continued rehabilitation, stabilization and maintenance of existing habitat and open space resources.

Staff has identified goals, objectives, and policies which are applicable to the request in the General Plan Conformance section of this staff report. Because the proposed easements further the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission approve General Plan Conformance No. 08-004 finding that the exchange of easements between the OCFCD and the HBWC is in conformance with the General Plan.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 08-004
2. Planning Commission Resolution No. 1629
3. Project Narrative Dated January 20, 2009

SH:HF:RR:HB:lw

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 08-004**

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

**SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 08-004:**

The proposed exchange of easements between the Orange County Flood Control District (OCFCD) and the Huntington Beach Wetlands Conservancy (HBWC) for the purposes of habitat restoration and flood control improvements is in conformance with the following goals, objectives, and policies of the General Plan:

**A. Land Use Element**

*LU Goal 5: Ensure that significant environmental habitats and resources are maintained.*

*LU Policy 5.1.3: Participate in inter-jurisdictional and regional environmental management and mitigation programs.*

*LU Policy 5.1.5: Preserve or restore areas that provide water quality benefits and/or are necessary to maintain riparian and aquatic biota.*

*LU Policy 5.1.8: Preserve and/or acquire areas of open space that have water quality significance and minimize any clearing of vegetation from those developed sites.*

The project involves multiple parcels under ownership by the OCFCD and the HBWC. The proposed exchange of easements would allow for access and encroachment onto each agency's property by the other for the purposes of flood control improvements to the Huntington Beach Channel, as well as environmental rehabilitation of the wetlands area. The restoration efforts by both agencies support the continued maintenance and stabilization of existing habitat and open space resources.

**B. Coastal Element**

*C Goal 4: Preserve and, where feasible, enhance and restore the aesthetic resources of the City's Coastal Zone, including natural areas, beaches, harbors, bluffs and significant public views.*

C Goal 7: *Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone.*

C Objective 7.2: *Promote the improvement of biological productivity and appearance of wetlands and environmentally sensitive habitats.*

C Policy 7.2.1: *Promote the re-establishment of tidal flushing in wetland areas.*

C Policy 7.2.4: *Encourage the Orange County Flood Control District to improve, and continue to maintain once improved, the Huntington Beach and Talbert Flood Control Channel embankment from Beach Boulevard to the Santa Ana River by implanting the following measures:*

- a) Restore and enhance tidal flows into the area and expand the existing mudflat and saltmarsh habitats.*
- b) Plant native plant species to enhance wildlife diversity.*
- c) Enhance the visual appearance of wetland areas.*
- d) Projects that impact the wetlands shall be sited and designed to improve the overall functioning of the wetland ecosystem.*

Located within the City's Coastal Zone, the project will allow inter-agency restoration of an environmentally sensitive habitat area and enhance the appearance of wetlands within a scenic corridor. Tidal flows are scheduled to be re-introduced to the wetlands in order to advance the restoration efforts. The proposed exchange of easements will allow access between the flood control channel and the wetlands area for tidal flushing as well as improvements to the Huntington Beach Flood Control Channel for continued preservation of the wetland areas bounded by the project site.

**RESOLUTION NO. 1629**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING AN EXCHANGE OF EASEMENTS  
BETWEEN THE ORANGE COUNTY FLOOD CONTROL DISTRICT AND THE  
HUNTINGTON BEACH WETLANDS CONSERVANCY  
IN CONFORMANCE WITH THE GOALS, OBJECTIVES,  
AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 08-004)**

**WHEREAS**, the Government Code of the State of California, Section 65402, provides that a local planning agency review any real property acquisition or exchange of easements for public purposes, for conformity with the local General Plan; and

**WHEREAS**, the Orange County Department of Public Works has submitted a request for General Plan Conformance review of a proposed exchange of easements between the Orange County Flood Control District (OCFCD) and the Huntington Beach Wetlands Conservancy (HBWC); and

**WHEREAS**, staff has reviewed a description of the exchange of easements and submitted it to the Planning Commission for review on January 27, 2009; and

**WHEREAS**, staff has indicated applicable General Plan goals, objectives, and policies to establish conformance with the General Plan (Exhibit A).

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Huntington Beach finds the exchange of easements for the purposes of habitat restoration and flood control improvements in conformance with the goals, objectives, and policies of the General Plan.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 27<sup>th</sup> day of January 2009, by the following roll call vote:

**AYES:** Farley, Delgleize, Shier-Burnett, Livengood, Speaker, Scandura  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**ATTEST:**

\_\_\_\_\_  
Scott Hess, Secretary

\_\_\_\_\_  
Planning Commission Chairperson

## EXHIBIT A

### GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR AN EXCHANGE OF EASEMENTS BETWEEN THE ORANGE COUNTY FLOOD CONTROL DISTRICT AND THE HUNTINGTON BEACH WETLANDS CONSERVANCY (GENERAL PLAN CONFORMANCE NO. 2008-004)

The cooperative agreement between agencies to exchange easements conforms to the following goals, objectives, and policies of the General Plan:

#### **A. Land Use Element**

LU Goal 5: *Ensure that significant environmental habitats and resources are maintained.*

LU Policy 5.1.3: *Participate in inter-jurisdictional and regional environmental management and mitigation programs.*

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C Policy 7.2.4: *Encourage the Orange County Flood Control District to improve, and continue to maintain once improved, the Huntington Beach and Talbert Flood Control*

*Channel embankment from Beach Boulevard to the Santa Ana River by implanting the following measures:*

- a) Restore and enhance tidal flows into the area and expand the existing mudflat and saltmarsh habitats.*
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JAN 20 2009

## GENERAL PLAN CONFORMANCE NO. 08-004

Huntington Beach Planning Commission January 27, 2009

Re: **HUNTINGTON BEACH WETLANDS CONSERVANCY – ORANGE COUNTY  
FLOOD CONTROL DISTRICT EXCHANGE OF EASEMENTS**

Commissioners:

As part of the Huntington Beach Wetlands Restoration Plan, the **HUNTINGTON BEACH WETLANDS CONSERVANCY (HBWC)** and the **ORANGE COUNTY FLOOD CONTROL DISTRICT (OCFCD)** is in the process of exchanging easements over their respective properties. Upon execution of these easements, **OCFCD** will have the right to flow storm water over **HBWC's** property and **HBWC** will have access rights over **OCFCD's** property for monitoring and maintenance activities. Conditional Use Permit No. 2007-036 was approved by the Huntington Beach Planning Commission on March 11, 2008 and fully describes the project.

Pursuant to Section 65402 of the California Government Code, **HBWC** and **OCFCD** are requesting the City of Huntington Beach to find that the exchange of easements is consistent with the City's General Plan.

Questions regarding this request should be directed to:

Gary Gorman, Project Manager  
HUNTINGTON BEACH WETLANDS CONSERVANCY  
21900 Pacific Coast Highway  
Huntington Beach, CA 92646  
714-926-1945  
e-mail: [gcgorman@veroizon.net](mailto:gcgorman@veroizon.net)