



# CITY OF HUNTINGTON BEACH

## Inter Office Communication

Planning Department

**TO:** Planning Commission

**FROM:** Scott Hess, AICP, Director of Planning

**DATE:** July 14, 2009

**SUBJECT: REQUEST FOR INFORMATION REGARDING DTSP UPDATE MEETINGS**

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As requested by Commissioner Livengood, the information below is provided on the smaller group meetings that occurred on the DTSP Update project. These meetings are referenced in the Public Meetings, Comments and Concerns section of the July 14, 2009 study session report.

### January 15<sup>th</sup> meeting

Purpose – to discuss the Dec. 4, 2008 draft DTSP Update

Attendance – RRM – Erik Justesen, Jami Williams; City staff – Econ Dev. – Stanley Smalewitz, Kellee Fritzal, Jason Machado, Nova Punongbayan, Luis Gomez; Planning - Herb Fauland, Scott Hess, Jennifer Villasenor; Keith Bohr, Mike Adams, Dick Harlow, Jeff Bergsma, Bill Holman, Steve Daniel, Ron McLin, Bob Bolen, Harry Monck.

### January 29<sup>th</sup> meeting

Purpose – continue discussion on the Dec. 4, 2008 draft DTSP Update

Attendance – RRM – Jami Williams; City staff – Admin. – Bob Hall, Fred Wilson; Econ. Dev. – Stanley Smalewitz, Kellee Fritzal, Simone Slifman, Jason Machado, Nova Punongbayan; Planning – Scott Hess, Herb Fauland, Jennifer Villasenor; Keith Bohr, Steve Bone, Harry Monck, Mike Adams, Dick Harlow, Bob Bolen, Connie Pedenko, Susie Smith, Steve Daniel, Ron McLin

### March 31, 2009

Purpose – discussion on how comments would be addressed in revised DTSP Update; topics included - Format of document, Full-block/half-block definitions, Administration of Plan, Cultural Arts Overlay, Parking,

Restaurant Alcohol Permits, Development Standards, Residential Uses in District 1

Attendance – City staff – Admin – Bob Hall, Fred Wilson; Econ. Dev. – Stanley Smalewitz, Kellee Fritzal; Planning - Scott Hess, Herb Fauland, Jennifer Villasenor; Keith Bohr, Andrew Stupin, Mike Adams, Dick Harlow, Harry Monck, Ron McLin, Steve Bone, Jeff Bergsma

cc: Herb Fauland, Planning Manager  
Kellee Fritzal, Deputy Director, Economic Development Department

LATE COMMUNICATION SS #A-2 PC MTG 7-14-09

## Wine, Linda

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**From:** Wine, Linda  
**Sent:** Tuesday, July 07, 2009 4:19 PM  
**To:** Barbara Delgleize; Blair Farley; Elizabeth Burnett (E-mail); Fred Speaker; Janis Mantini; John Scandura ; Tom Livengood  
**Cc:** Broeren, Mary Beth; De Coite, Kim; Fauland, Herb; Fritzal, Kellee; Hess, Scott; Smalewitz, Stanley; Villasenor, Jennifer; Wine, Linda  
**Subject:** FW: CA Public Records Act Request -- HB Proposed Cultural Center Feasibility Study (forward from Richardson Gray)  
**Attachments:** City of HB -- Triangle Park & Main St. Library -- CA Public Records Act Request.rtf

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**From:** richardson.gray@yahoo.com [mailto:richardson.gray@yahoo.com]  
**Sent:** Tuesday, July 07, 2009 4:04 PM  
**To:** Wine, Linda  
**Subject:** CA Public Records Act Request -- HB Proposed Cultural Center Feasibility Study

Dear Ms. Wine:

Attached is a letter I mailed today to a number of the City's officials, staff members, and downtown business partners. Please make sure that all seven Planning Commission Members receive a copy. Let me know if you or any of the Planning Commission Members have any questions or comments. Thank you.

Richardson Gray  
415 Townsquare Lane #208  
Huntington Beach, CA 92648  
714-348-1928  
[richardson.gray@yahoo.com](mailto:richardson.gray@yahoo.com)

**RICHARDSON GRAY**  
415 Townsquare Lane #208  
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714-348-1928  
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**Certified Mail, Return Receipt Requested, and Regular Mail**

July 7, 2009

Steve Bone  
President & CEO  
Huntington Beach Marketing and Visitors Bureau  
Hotel/Motel Business Improvement District  
301 Main Street, Suite 208  
Huntington Beach, CA 92648

Stanley Smalewitz  
Director  
Economic Development Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Scott Hess  
Director of Planning  
Planning Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Fred Wilson  
City Administrator  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Connie Pedenko  
Executive Director  
Huntington Beach Downtown  
Business Improvement District, Inc.  
412 Olive Avenue, Suite 149  
Huntington Beach, CA 92648

Natalie Kotsch  
Executive Director  
International Surfing Museum  
200 Olive Avenue  
Huntington Beach, CA 92648

Jennifer McGrath  
City Attorney  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Joan Flynn  
City Clerk  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

**Re: Request for Access and Copies  
Under the California Public Records Act, Sections 6250 through 6276.48  
Cultural Center Feasibility Study  
Site of the Main Street Library and its Surrounding Triangle Park**

**My Request**

I am writing to each of you based on my personal knowledge or belief that one or more of you, your group's colleagues, or your group's staff members have possession of a Feasibility Study for a Cultural Center (Center) proposed for the site of the Main Street Library (Library) and its surrounding Triangle Park (Park). In May of this year, I first learned that a Draft of this

Feasibility Study was being circulated. Under the California Public Records Act (Act), Sections 6250 through 6276.48, I am formally requesting access and copies, complete and intact, of the Draft Feasibility Study and, if it is finished, the Final Feasibility Study.

I had hoped to avoid the formality of this request. After two months of rejections of my several informal requests, I have come to believe that this formal request is my best option.

### **Deadline and No Exemption**

If I am not granted my request within ten days, **by July 17<sup>th</sup>**, I need you to send me a written response by that date, explaining why my request has been denied. Although the Feasibility Study might only be in draft form, no exemption applies under the Act, in that the public interest in disclosure clearly outweighs any interests of the City, or of its sponsored, quasi-governmental, taxpayer funded or subsidized downtown business partners, in withholding this information from the public. The public interest in disclosure is especially compelling at this time, during the currently ongoing public review process for the Downtown Specific Plan (DTSP), which includes the City's proposals for the Library, Park, and Center. When I gain possession of the Feasibility Study, I immediately will send copies to the local media listed at the end of this letter, to make sure that the public has full information about the details envisioned for the Center.

### **Planning Commission Meetings Must Be Delayed If My Request Is Not Granted Promptly**

**If I am not granted my request by July 17<sup>th</sup>**, via my copies of this letter to the City's Council Members and Planning Commission Members, **I am asking for a delay of the Planning Commission's (Commission's) last DTSP Study Session, now scheduled for July 28<sup>th</sup>, until at least ten days after my request has been granted.** If I am not granted my request by July 17<sup>th</sup>, I am asking for commensurate delays for the Commission's Study Session on the DTSP's draft Environmental Impact Report (EIR) and of the Commission's Public Hearing and Vote on the DTSP and draft EIR. Unless my request is granted well before these Commission meetings, in my opinion, the City's public review process for the DTSP and draft EIR will be fatally defective, due to the City and its downtown business partners' withholding of vital information from the public, and due to the public review process' lack of adequate transparency.

### **Crucial Importance of the Public's Access to the Complete Details of the City's Proposals**

Repeatedly, I have tried to give the initial proposals for the Library and Park the benefit of the doubt. As an example, during the Community Workshops and Scoping Meeting on the DTSP and draft EIR in 2007 and 2008, I did not oppose the general ideas put forth for the Library and Park. Similarly, in February of this year, after Steve Bone described to me his vision for a cultural center at the Library and Park, I did not oppose his general concept.

Unfortunately, I repeatedly have been shocked by the details of these proposals for the Library and the Park, when they have been belatedly revealed. My reactions flow from the proposals' mammoth size and projected visitor-intensity, and their virtually ignoring the many legitimate quality of life concerns for the thousands of surrounding downtown residents.

The first set of these distressing details was in the DTSP draft of December 2008, presented at the last Community Workshop. The second set of these disturbing details, according to a couple of key ideas about which I have learned, is in the Feasibility Study that has not been made available to the public as of yet.

### **Triangle Park Deed Restriction**

Triangle Park, I believe, is the City's second oldest and most historic park. It was developed as a park in 1912 (see front-page article in *Huntington Beach News* of June 21, 1912). In its original deed, the City made an enduring, unqualified, and unlimited commitment to maintain Triangle Park in good condition as parkland for all time, forever. Especially on account of this legal obligation of the City's, the concept, scope, and size of the proposals for redeveloping the Library and Park are profoundly troubling.

In my opinion, the citizens, residents, voters, and taxpayers of Huntington Beach have the legal right to require that the City honor Triangle Park's deed restriction. I am convinced that this deed restriction legally supersedes Measure C, the City's charter provision requiring a citywide referendum to build on parkland. Similarly, I am convinced that no Measure C vote can terminate or subordinate this Triangle Park deed restriction.

### **Troubling Details from the Feasibility Study Draft**

The Feasibility Study Draft, according to what I have learned from my own reliable sources, is for a very large and very visitor-intensive surf and ocean themed museum. According to the DTSP of June 2009, the Center is proposed to be as large as 50,000 square feet, including culturally related retail uses, or over five times the size of the existing, historic Library buildings. While I would support such a cultural center for downtown nearer to Pacific Coast Highway, such a huge tourist attraction is wholly ill suited for the Library and Park, and their bordering established residential areas.

This size tourist attraction at the Library and Park literally would ruin the residential quality of life in the established neighborhoods near the north end of downtown. The couple of key ideas that I have learned about the Feasibility Study Draft are as follows:

1. The Center is projected to attract as many as 400,000 museum, special events, and restaurant visitors annually. This level of attendance would make the Center one of the busiest museum attractions, if not the absolute busiest, in all of Southern California.
2. The Center is proposed to contain multiple special events venues, including full alcohol and entertainment permits and outdoor areas, which together would be as large as or even larger than the biggest restaurants, bars, and nightclubs currently in downtown.

There are several reasons why I, as a resident who owns his home at the north end of downtown, find these details completely horrifying:

- A. With its projected 400,000 visitors annually, the Center would be a mammoth noise generator bordering established residential areas.
- B. At its proposed size, the Center would generate a massive increase in traffic congestion, including the attendant air and noise pollution from vehicles.
- C. This increase in vehicle traffic would have a huge adverse impact especially on Main Street between Pacific Coast Highway and Beach Boulevard, some of which is already an over-burdened, two-lane road lined on both sides by established single-family home neighborhoods. To reach the Center from Interstate 405, almost all traffic ultimately would take Main Street from Beach Boulevard (coming from the south on the 405) or from Golden West via Yorktown (coming from the north on the 405).
- D. The Library and Park, and their surrounding residential neighborhoods, are a totally inappropriate location for such an enormous tourist attraction. The Library and Park's only access is via two-lane, local roads, which are almost entirely through established residential areas. The one exception is the stretch of Main Street from Pacific Coast Highway, which already too often is literally choked with traffic.
- E. The Center would require a very large number of on-site parking spaces.
- F. Downtown's largest restaurants, bars, and nightclubs already are too big, too rowdy, and too noisy for their locations in the midst of established neighborhoods. All of these existing large downtown restaurants, bars, and nightclubs are south of Olive Avenue, a full two to three blocks from the dense residential areas north of downtown. The Center's large special events venues easily could bring the noisiness and rowdiness of downtown to the doorsteps of these many homes and their residents. Such large special events would include rushes of vehicle traffic at the beginning and end of each event.

**Conclusion**

Please let me know when I can have access to and obtain copies of the Draft Feasibility Study and, if completed, the Final Feasibility Study. Thank you for your cooperation.

Sincerely yours,

Richardson Gray

cc: All City Council Members  
 All Planning Commission Members  
*Orange County Register*  
*Huntington Beach Independent*  
*OC Weekly*  
*The Local News*  
*The OC Voice*