MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 11, 2008
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED: NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner John Scandura

	P	P	P	P	P	P	P
ROLL CALL:	***Shier-Burnett,***	***Speaker,***	***Livengood,***	***Scandura,***	***Shaw,***	***Dwyer,***	***Farley***

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 11, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1619 AND PLAQUE IN APPRECIATION TO OUTGOING CHAIRMAN SCANDURA.

Chair Livengood made the presentation and praised outgoing Chair Scandura for his service as Chair of the Planning Commission.

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS:

B-1. CONDITIONAL USE PERMIT NO. 07-036 (HUNTINGTON BEACH WETLANDS RESTORATION) **Applicant:** Kim Garvey, Moffatt & Nichol **Request:** To permit the grading and dredging of approximately 290,000 cubic yards (CY) of sediment in conjunction with the habitat and wetlands restoration of 130 acres of degraded wetlands. The proposal also includes the maintenance dredging of Talbert Marsh and Talbert Ocean Channel a minimum of two times after initial restoration. The habitat and wetlands restoration is located within the Coastal Zone and an "Approval-in-Concept" coastal development permit will be issued by the City of Huntington Beach. The final coastal development permit will be submitted to the California Coastal Commission for review and approval. **Location:** 21900 Pacific Coast Highway, 92648 (North of Pacific Coast Highway between the Santa Ana River and AES Power Plant – Talbert Marsh, Brookhurst Marsh, Magnolia Marsh and Talbert Ocean Channel). **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 07-036 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Scandura has visited the site, spoken with staff and attended two Study Sessions.
- Commissioner Speaker has attended two Study Sessions.
- Commissioner Shaw has attended two Study Sessions and talked to staff.
- Chair Livengood has toured the site, attended two Study Sessions, spoken to staff and took a tour presented by Gary Gorman of the Huntington Beach Wetlands Conservancy.
- Vice Chair Shier-Burnett has attended one Study Session, listened to the second Study Session on audio and spoken to staff.
- Commissioner Dwyer has attended two Study Sessions and one meeting at Edison High School, and has talked to staff.
- Commissioner Farley has attended two Study Sessions and took a tour presented by Gary Gorman of the Huntington Beach Wetlands Conservancy.

Rami Talleh, Associate Planner, gave a PowerPoint presentation and noted that one Late Communication had been received in support of Item No. B-1.

General discussion ensued regarding proposed truck routes and possible alternate routes; staff noted that the proposed routes are mainly on Beach Blvd., Brookhurst Street and Pacific Coast Highway.

THE PUBLIC HEARING WAS OPENED.

Gary Gorman, Huntington Beach Wetlands Conservancy, thanked staff for their presentation and indicated that he was available to answer questions if needed.

Dave Carlberg, Amigos of Bolsa Chica, spoke in favor of Item No. B-1 and stated that he fully supports the project.

Joseph Bookout, resident, spoke in favor of Item No. B-1 and noted that he prefers coastal beauty to overdevelopment.

Phil Beukema, resident, spoke in favor of Item No. B-1.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Farley asked about the potential for discovery of contaminated soil during dredging activities and Commissioner Shier-Burnett inquired as to a contingency plan. Fire Division Chief Eric Engberg stated that the Mitigated Negative Declaration includes instructions for handling contaminated soil.

Commissioner Speaker noted that he has concerns with traffic resulting from multiple truck trips and asked Public Works to be vigilant in keeping truck trips to a minimum.

Commissioner Scandura spoke regarding the operation hours for grading (commencing at 7:00 AM) and hauling (commencing at 8:00 AM) and asked that staff change the Conditions of Approval to add the phrase "restoration activity" to Item No. 3-C.

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER-BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 07-036 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 07-036

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-036:

1. Conditional Use Permit No. 07-036 for the grading and dredging of approximately 290,000 CY of sediment in conjunction with the habitat and wetlands restoration of 130 acres of degraded wetlands and maintenance dredging of Talbert Marsh and Talbert Ocean Channel a minimum of two times after initial restoration will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Grading activities will be limited during the day and dredging and spoils disposal will be planned and carried out to avoid significant disruption to wetland habitats and to water circulation. Truck traffic will be limited to approved truck routes and will be subject to performance standards to address dust and dirt control. The project will enhance and restore aesthetic resources and environmentally sensitive habitat areas in the City's Coastal Zone; thus, increase the functional capacity of the Huntington Beach wetlands. The project will also improve flood control, tidal circulation, and flushing in the wetland areas. In addition, the project will provide ancillary water quality improvements and opportunities for public education and outreach programs.

2. The conditional use permit will be compatible with surrounding uses because is in substantial compliance with the Coastal Conservation and Coastal Zone zoning district requirements and consistent with the Coastal Element of the General Plan and the California Coastal Act. The project will restore habitat and wetlands in an area adjacent to State and city beaches and other degraded wetlands. The project also serves as a buffer between adjacent residential neighborhoods and the AES power plant.

3. The proposed habitat and wetlands restorations will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Dredging and spoils disposal will be planned and carried out to avoid significant disruption to wetland habitats and to water circulation. Dredge spoils suitable for beach replenishment shall be transported to appropriate beaches or into suitable nearshore current systems. The restoration project will open up degraded wetland areas to tidal action by lowering levees to improve tidal flushing.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P (Public) and OS-C (Open Space – Conservation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. *Land Use Element*

Goal LU 5:	Ensure that significant environmental habitats and resources are maintained.
Policy LU 5.1.3:	Participate in inter-jurisdictional and regional environmental management and mitigation programs.
Policy LU 5.1.5:	Preserve or restore areas that provide water quality benefits and/or are necessary to maintain riparian and aquatic biota.
Policy LU 5.1.8:	Preserve and/or acquire areas of open space that have water quality significance and minimize any clearing of vegetation from those development sites.

The proposed habitat and wetlands restoration will preserve approximately 130 acres of wetland areas involving multiple jurisdictions participating in the issuance of permits and implementation of mitigation monitoring programs. The project goal is to preserve, enhance and restore the fish and wildlife habitat of a tidally influenced ecosystem, improve flood control, and provide for ancillary water quality improvements.

B. *Coastal Element*

Goal C 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.
Goal C 7:	Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone.
Objective C 7.2:	Promote the improvement of biological productivity and appearance of wetlands and environmentally sensitive habitats.

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

Policy C 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.

The proposed habitat and wetlands restoration will preserve, enhance and restore the aesthetic resources and environmentally sensitive habitat areas in the City's Coastal Zone. The project proposes to restore tidal influence to an area that has suffered substantial environmental degradation over time as a result of isolation from ocean waters. Introduction of saltwater will increase areas of cordgrass, reinvigorate existing areas of pickleweed, and increase mudflat areas thus providing quality habitat for threatened and endangered species. Restoring tidal influence throughout the site will also improve tidal circulation and flushing in the wetland areas by allowing a greater volume of water to enter and exit.

Objective C 7.3: Promote public awareness of sensitive habitats and their environmental benefits.

Policies C 7.3.1: Encourage educational centers such as wetland/coastal habitat models and information booths or displays in non-residential projects adjacent to wetlands. Such centers shall be sited and designed to prevent impacts, which would significantly degrade the wetlands.

The project area is located adjacent to an interpretive center and animal hospital owned and operated by the Huntington Beach Wetlands Conservancy. Once restoration is completed, the wetland areas will serve as an outdoor classroom for public education and outreach programs available through the interpretive center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-036:

1. The grading plans received and dated October 1, 2007, shall be the conceptually approved layout.
2. The restoration plan and activities identified in the narrative/restoration plan received and dated October 1, 2007 and supporting Conceptual Restoration Study dated August 10, 2004, and Preliminary Engineering Studies dated July 31, 2007, shall be the conceptually approved restoration plan.
3. Prior to commencement of any grading and restoration activity, the following shall be completed:

a. A Coastal Development Permit shall be approved by the California Coastal Commission. A copy of the permit shall be submitted to the Planning Department for inclusion in the entitlement file.

b. Applicable state and federal regulatory permits/agreements shall be obtained and submitted to the Planning and Public Works Departments for inclusion in the entitlement file.

c. At least 14 days prior to any grading and restoration activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.

4. During grading and restoration activities, the project shall adhere to the mitigation measures included in the Mitigation Monitoring Program (MND & Initial Study IP 07-585 dated December 2007) adopted by the County of Orange on January 29, 2008.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED DECEMBER 11, 2007

RECOMMENDED ACTION: Motion to: "Approve the December 11, 2007, Planning Commission Minutes as submitted."

Commissioner Scandura noted that Page 2 of the December 11, 2007, Minutes, stated that he attended 3-4 Beach/Edinger Corridor meetings when he had only attended 1-2 meetings. He also stated that he did not attend the Shopping Center meeting and had only reviewed the PowerPoint presentation. He requested correction on these items.

Chair Livengood noted that he was listed as absent (in error) when he was present for both the Study Session and Public Hearing portion of the December 11, 2007, meeting and requested correction on this item.

A MOTION WAS MADE BY DWYER, SECONDED BY FARLEY, TO APPROVE THE DECEMBER 11, 2007, PLANNING COMMISSION MINUTES WITH CORRECTIONS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager – reported on the items scheduled for the next Planning Commission meeting

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Farley – thanked staff and noted that the Huntington Beach Wetlands Restoration is an amazing, grant-funded project.

Commissioner Dwyer – reported on his attendance at the Beach/Edinger Workshop #6 on February 27, 2008, but noted concerns on how the auto dealers' sites are being addressed.

Vice Chairperson Shier-Burnett – thanked staff and the Huntington Beach Wetlands Conservancy for their efforts.

Chairperson Livengood – spoke of his recent tour of the Huntington Beach Wetlands and encouraged visitors and staff to view the location for themselves.

Commissioner Shaw – echoed the sentiments of Commissioner Farley and Vice Chair Shier-Burnett and praised the Huntington Beach Wetlands Conservancy for their efforts.

Commissioner Speaker – said that he concurred with Commissioner Dwyer and was glad the Planning Commission approved the Huntington Beach Wetlands Restoration Project.

Commissioner Scandura – noted that Boy Scout Troop #1 was in attendance at tonight's meeting, working towards earning their civic merit badges. He also wished Commissioner Farley (and himself) a happy belated birthday (they were both born on March 9th).

ADJOURNMENT: Adjourned at 7:55 PM to the Planning Commission Workshop on March 20, 2008, at the Central Library, Maddy Room, and then to the next regularly scheduled meeting of April 8, 2008.

NOTE: The City of Huntington Beach Planning Commission Meeting of March 25, 2008 has been CANCELLED.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair