



**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION**
Joan L. Flynn, City Clerk
Office of the City Clerk

TO: Honorable Mayor and City Councilmembers
FROM: Joan L. Flynn, City Clerk 
DATE: 5/4/2015
SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE MAY 4, 2015, REGULAR CITY COUNCIL/PFA MEETING

Attached are the Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

Study Session

PowerPoint communication dated May 4, 2015, entitled *Streetlight Update*.

CONSENT CALENDAR

#7. Communications received from various individuals regarding the adoption of Ordinance No. 4053 regulating the use of plastic carryout bags and recyclable paper carryout bags:

Renee Caligiuri	Joel Griffin	Stacey McDonald	Shannon Pollacchi
Lori (no last name given)			

PUBLIC HEARING

#10. Communications received from various individuals regarding amendments to the Beach and Edinger Corridors Specific Plan (BECSP):

Glen Campora, Assistant Deputy Director of the Department of Housing and Community Development			
Steve Dodge (2)	William Halligan	Paula and Michael Hessley	Linda Polkinghorne
Nancy Saksa	Quinn Stahl (2)	J. D. Wisenbaker	Gino J. Bruno
Susan & Jon Gary	Steven C. LaMotte, Director of Government Affairs, Building Industry Assn.		
Donna Little	Anne McGuire	Linda Tang, The Kennedy Commission	
R. Stevens	Janine Stiffler	Frank Vozel (4)	Bruce Wareh

#11. Communication submitted by City Clerk Joan Flynn, dated May 1, 2015 notating a number change in the Ordinance entitled "*An Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 15-004)*" from #4053 to #4058.

ORDINANCES FOR ADOPTION

#12. Communication submitted by City Clerk Joan Flynn, dated May 1, 2015 notating a number change in the Ordinance entitled "*Urgency Measure Adopting an Interim Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications*" from #4054 to #4059.

Streetlight Update

City Council Study Session
May 4, 2015

Agenda

Streetlight Overview

Energy Expenditures and SCE Rate Overview

Benefits of LED

Cost Analysis

Cash Flow & Financing

Acquisition

Revenue Opportunities

Conclusion and Options

Streetlight Overview

- Streetlights are a significant cost to the City - \$1.8 million per year and rising (proposed 3% rate increase annually)
- Street lighting is the most visible of all energy costs to residents and businesses

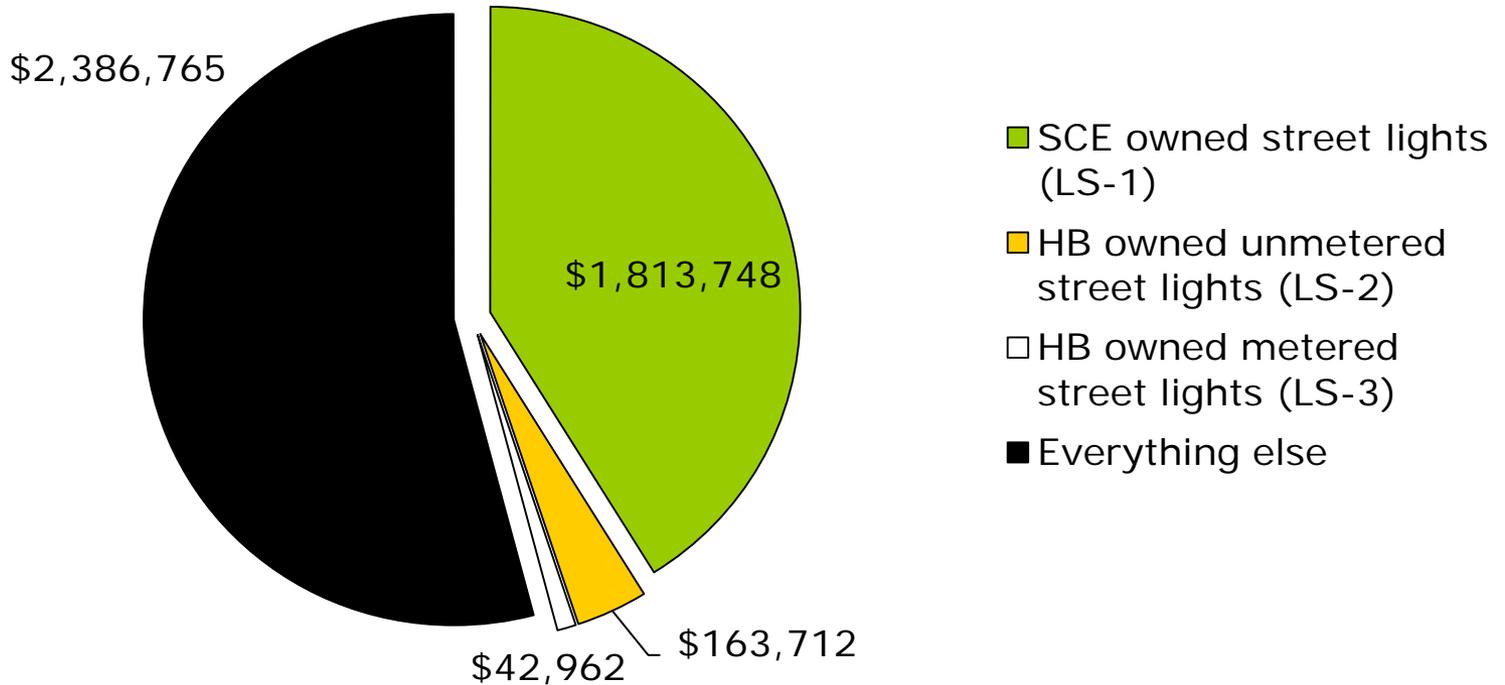
Streetlight Overview – Types of Streetlights



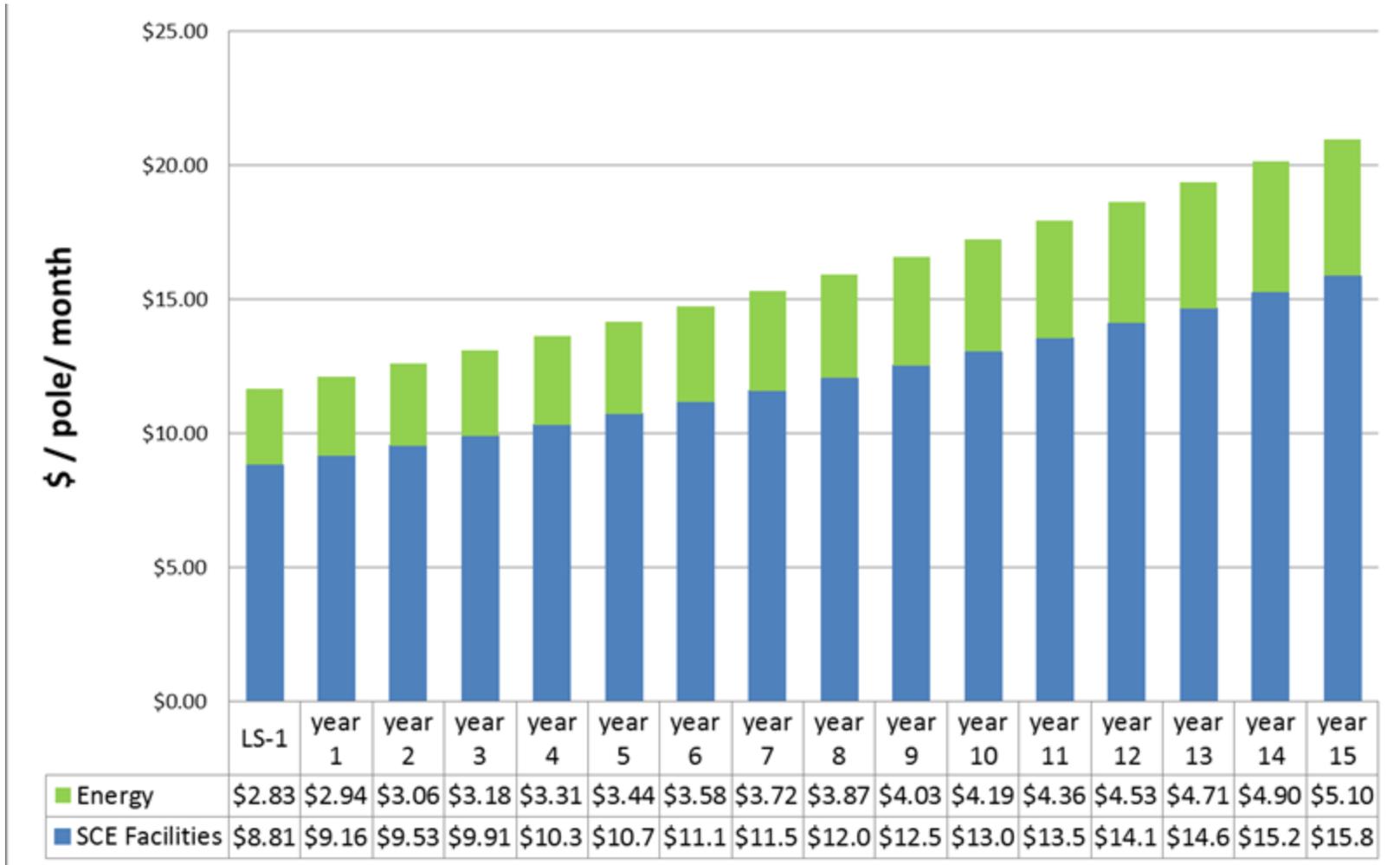
- LS-1 – SCE owned and operated (unmetered) – 12,000
 - Advantages – SCE provides maintenance and service
 - Disadvantages – High rates, annual rate increases, and no local control over upgrades or service issues
- LS-2 – City owned and operated (unmetered) – 2,000
 - Advantages – Lower unmetered rate, local control on upgrades and maintenance
 - Disadvantages – Maintenance of poles falls upon the City

Energy Expenditures

FY 14/15 Energy Expenditures



SCE Rate Projections



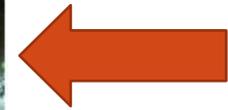
Information based on CPUC rate case data – from WRCOG

Cost Analysis: Coalition for Affordable Streetlights (CASL)

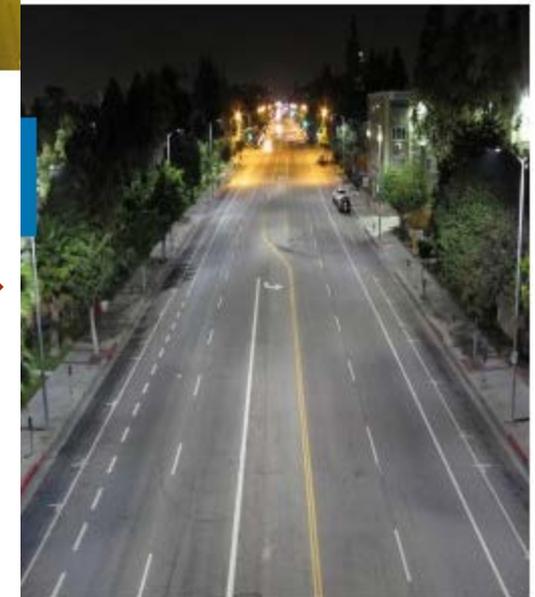
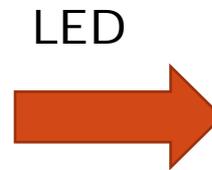
- HB joined CASL in 2011
- Coalition of cities – Moreno Valley, Rancho Cucamonga, Murrieta, and Torrance
- CASL and SCE reached a settlement agreement in 2012
- Over \$440,000 in avoided costs from rate increases through our CASL partnership
- SCE changed its policy to **amicably** sell utility owned street lights – This has now changed.

Benefits of LED Streetlights

- Increased visibility
- Better color rendition
- Less maintenance – 80% reduction in fixture maintenance costs
- More than 50% reduction in energy use



High Pressure Sodium

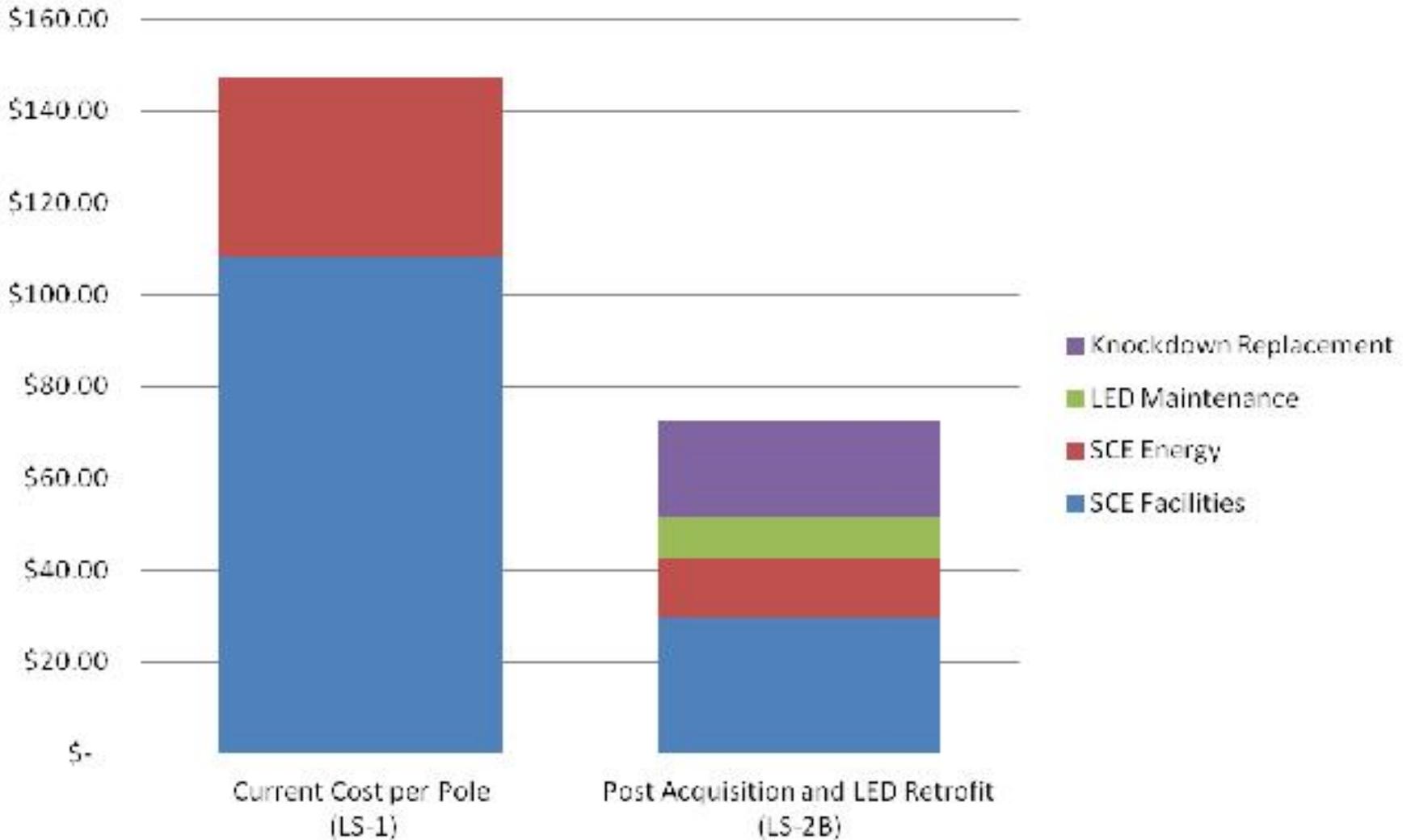


Streetlight Comparison

	High Pressure Sodium (HPS)	Light Emitting Diode (LED)
Color	Orange	White
Life Expectancy	24,000 hours (~6 years)	100,000 hours (~20 years)
Energy Use	39 kWh/fixture/month	50-75% less than HPS
LED Retrofit Payback	-	4-12 Years
SCE Accepts	YES	YES



Annual Streetlight Cost Comparison



Cash Flow Projection

Street Light Acquisition and Retrofit Project Cashflow

City of Huntington Beach

Loan Program of 10 Years

Year	1	2	3	4	5	6	7	8	9	10	11	12-20*	Totals
Pre-Acquisition SCE Cost	\$ 1,642,470	\$ 1,687,417	\$ 1,733,626	\$ 1,781,133	\$ 1,829,375	\$ 1,880,190	\$ 1,931,818	\$ 1,984,899	\$ 2,039,476	\$ 2,095,590	\$ 2,153,286	\$ 22,260,512	\$ 43,020,391
Pre-Acquisition Total Annual Cost	\$ 1,642,470	\$ 1,687,417	\$ 1,733,626	\$ 1,781,133	\$ 1,829,375	\$ 1,880,190	\$ 1,931,818	\$ 1,984,899	\$ 2,039,476	\$ 2,095,590	\$ 2,153,286	\$ 22,260,512	\$ 43,020,391
Post-Acquisition SCE Cost	\$ 475,165	\$ 487,982	\$ 501,156	\$ 514,695	\$ 528,610	\$ 542,912	\$ 557,612	\$ 572,721	\$ 588,252	\$ 604,215	\$ 620,623	\$ 6,404,025	\$ 12,397,968
Street Light Maintenance Cost (LED)	\$ 104,268	\$ 152,347	\$ 155,394	\$ 158,502	\$ 161,672	\$ 164,906	\$ 168,204	\$ 171,568	\$ 174,999	\$ 178,499	\$ 268,218	\$ 2,668,690	\$ 4,527,267
Knockdown Maintenance Cost (55 poles/year)	\$ 360,838	\$ 368,055	\$ 375,416	\$ 382,324	\$ 390,583	\$ 398,395	\$ 406,362	\$ 414,490	\$ 422,780	\$ 431,235	\$ 439,860	\$ 4,376,482	\$ 8,767,420
Knockdown Insurance Recovery (36 poles/year)	\$ (236,185)	\$ (240,909)	\$ (245,727)	\$ (250,641)	\$ (255,654)	\$ (260,767)	\$ (265,983)	\$ (271,302)	\$ (276,728)	\$ (282,263)	\$ (287,908)	\$ (2,864,607)	\$ (5,738,675)
Project Lease Payment (Private Loan @ 3%)	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ 552,816	\$ -	\$ -	\$ 5,528,163
Project Lease Payment (CEC Loan @ 1%)	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ 315,375	\$ -	\$ -	\$ 3,153,748
Post Acquisition Total Annual Cost	\$ 1,572,278	\$ 1,635,667	\$ 1,654,430	\$ 1,673,671	\$ 1,693,402	\$ 1,713,636	\$ 1,734,387	\$ 1,755,668	\$ 1,777,493	\$ 1,799,877	\$ 1,040,792	\$ 10,584,591	\$ 25,482,144
Total Cash Flow (Pre-Acquisition less Post-Acquisition)	\$ 70,193	\$ 51,750	\$ 79,196	\$ 107,462	\$ 136,573	\$ 166,554	\$ 197,431	\$ 229,231	\$ 261,982	\$ 295,712	\$ 1,112,494	\$ 11,675,921	\$ 14,384,498
Cumulative Cash Flow	\$ 70,193	\$ 121,943	\$ 201,138	\$ 308,600	\$ 445,173	\$ 611,727	\$ 809,158	\$ 1,038,389	\$ 1,300,371	\$ 1,596,084	\$ 2,708,577	\$ 14,384,498	\$ 514,384,498

* Maintenance cost projections in years 11-20 include fixture costs, as material warranty concludes in year 10.

Street Light Acquisition & Fixture Replacement Loan Detail		
Total Loan Amount	\$ 8,473,793	
SCE Rebate	\$ (702,907)	
Capital Contribution	\$ -	
Net Loan Amount	\$ 7,770,886	
	Private Loan	CEC Loan
Loan Amount	\$ 4,770,886	\$ 3,000,000
Interest Rate (assumed)	3.00%	1.00%
Loan Term (years)	10.0	10.0
Payments per year	12.0	12.0
Annual Loan Payment	\$ 552,816	\$ 315,375
Finance Cost	\$ 5,528,163	\$ 3,153,748
Total Finance Cost	\$ 8,681,912	
Savings Detail and Assumptions		
Total Program Savings	\$ 14,384,498	
20 Year NPV (5% Discount Rate)	\$ 7,137,160	
Energy Charge Cost Escalation	2%	
Distribution Charge Cost Escalation	3%	

Possible SCE Rebate	
Annual Energy Savings (kWh)	3,514,534
Rebate Rate per kWh	\$ 0.20
Total Rebate*	\$ 702,907

*SCE Rebates are not factored in to cash flow

Project Costs	
ECM-2 LED Street Light Retrofit	\$ 3,695,338
FIM 1a- SCE LS-1 Buy Back	\$ 4,358,350
FIM 1b- City Cut-Over	\$ 420,105
Total Financed Cost	\$ 8,473,793

Streetlight Acquisition and LED Retrofit

Acquisition and LED Retrofit Budgetary Estimates (10 Year Program)

SCE Acquisition of Assets (11,181 street lights)	\$4,358,350
Transfer of Ownership (ID Tagging and Database)	\$420,105
LED Streetlight Retrofit	\$3,695,338
SCE Energy Rebates	(\$702,907)
10Year Finance Costs	\$911,026
Acquisition and Retrofit Subtotal	\$8,681,912
Streetlight Maintenance Estimates (10 Year)	
Maintenance Total (Approximate Estimate)	\$3,000,000
Acquisition, LED Retrofit and Maintenance Total	\$11,681,912

Acquisition & Retrofit

- Advantages
 - Reduced street light costs (energy and reduced rate)
 - Improved system maintenance and reliability
 - Maintenance cost savings (LED fixtures last 20 years)
 - Management control over expenditures
 - Improved customer service
- Disadvantages
 - Acquisition of streetlights from SCE is expensive
 - City would assume on-going maintenance/customer service
 - LED upfront cost of retrofit is expensive

Acquisition: SCE Initial Valuation

- Guaranteed max. price \$450/pole
 - ~11,181 poles eligible for sale
- ~\$4.3 million purchase price
- Requires PUC approval (3 month process)
- SCE is halting acquisition program, thus the purchase process must be completed by August 31, 2016

Revenue Generating Opportunities

- Wireless/Broadband Capabilities



Philips Connected City

- Enables select smart cities to speed the deployment of increased wireless capacity and connectivity.
- Philips can install new “Smart” street lighting poles in the City that house telecommunications network equipment. This results in:
 - New, energy efficient LED street lighting – **possibly at no cost**
 - Access to the best wireless data network capacity possible.
 - Improved, de-cluttered cityscape.
 - Rapid deployment of new high-speed, high capacity, wireless networks.

Street Lighting Becomes Digital Real Estate



Rendering of a "smart pole"



City of Los Angeles
Rendering

Conclusion

- **City's energy program has been successful in focusing on City buildings and City owned streetlights. The City has been a leader.**
 - Cut **5,000,000 KWh** of waste from buildings through re-commissioning and cool roof projects
 - Phase I Streetlight Retrofit - annual savings **\$140,296** and saves **1.5 m kWh**
 - Achieved platinum partner status with SCE
- **Streetlight acquisition**
 - Small initial annual savings (\$70,000-120,000)
 - Significant annual savings after pay-off (11th year - \$1 million and 20 years \$12 million)
 - Improved customer service and management control
 - **30 cities in the queue to purchase their lights**

Next Steps

Complete analysis and obtain City Council Approval



Finalize Financing Plan



Begin Purchase Process



CPUC Filing 3-6 months (Advice Letter) -
August 31, 2016 Deadline



Take Over Lights (one year process)

Questions



Fikes, Cathy

From: Agenda Comment
Sent: Friday, April 24, 2015 10:27 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

AGENDA COMMENT

Subject Bag Ban Repeal
Name Renee Caligiuri
Email rainyy@hotmail.com

Comments

Repeal it! & concentrate on making public more aware of recycling. You should see some of the reusable bags I see people bringing in to stores, they're dirty - disgusting. They obviously haven't been washed. So much worse than the dreaded plastic bag, which are multi-use & most people recycle anyway. The council has my vote to repeal.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/2015

Agenda Item No. 7

Fikes, Cathy

From: Joel [moleworkshb@hotmail.com]
Sent: Friday, April 24, 2015 2:37 PM
To: Posey, Mike
Cc: Fikes, Cathy
Subject: Repeal of Single-use Plastic Bags Ban.

Councilmen Posey,

My name is Joel Griffin. My wife, Teresa, and I have lived at 20662 Elizabeth lane in Huntington Beach for close to thirty years. I am writing you to express my disappointment in your and most of the council's efforts to repeal the City's single-use plastic bag ban. I feel this is very short sighted and ignores the negative affects single use plastic bags have on our environment and wildlife. I regularly enjoy our beaches and parks, and I have noticed since the ban took effect the decrease in plastic bags in the water and littered around our community. In my opinion, there is no logical reason for not using reusable bags, except laziness and the narcissistic view that it is my choice; there is an economic element from the manufactures of plastic bags but I am assuming that narrow view is not part of deciding what is best for the city of Huntington Beach.

Our society has outlawed hundreds of chemicals and processes that were found detrimental to the health of environment. I see the ban on plastic bags as a continuation of that protection. Our city, and country, need leadership not individuals who ignore problems and facts. I am hopeful that you will change your opinion on this important matter.

Please feel free to contact me if you wish to discuss this issue.

Sincerely, Joel Griffin

Phone # 714-745-2675

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/2015

Agenda Item No. 7

Fikes, Cathy

From: Stacey [staceyca@gmail.com]
Sent: Thursday, April 30, 2015 3:14 PM
To: CITY COUNCIL
Subject: Plastic Bag Ban

Dear Huntington Beach City Council,

I own a condo in Huntington Beach and I spend a lot of time in Orange County. I am disappointed that you are pushing to overturn the plastic bag ban. As an adult surfer, I've seen a lot of plastic bags floating in the ocean and on the beach. Also as a person that has picked up trash on the beach and in the Bolsa Chica wetlands, overturning this ban will just add to the trash problem in the city.

Huntington Beach is Surf City (a clean ocean, beach and the Bolsa Chica wetlands are all very important to the HB residents).

Please vote No on over turning the plastic bag ban.

I would like to thank **Jill Hardy** for her voting decisions to date. Thank you Jill!

Sincerely,

Stacey McDonald
714-248-1248



**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/2015

Agenda Item No. 7

Fikes, Cathy

From: Shannon Pollacchi [hspollacchi@gmail.com]
Sent: Tuesday, April 28, 2015 3:30 PM
To: Hardy, Jill; Fikes, Cathy
Subject: Plastic Bag Ban

Ms. Hardy,

I currently own a home in HB and love it here.

My job is working for a solid waste provider, (WM) and understand how bag plastic bags are for the environment. As a professional in the field and a homeowner in HB, I urge you NOT to repeal the plastic bag ban. Please, Please, Please , let them continue to be excluded from our environment.

Unless you are in the waste industry, you do not understand the complete ramifications and the detriment that plastic does to our environment. Plastic bags are very difficult to recycle, due to the sheer volume required. We encourage "Source Reduction" as the best way to keep these out of our environment.

Thank you,

Shannon Pollacchi
17522 Woodfern Lane in HB

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/2015

Agenda Item No. 7

Fikes, Cathy

From: Lori [lorikirk523@gmail.com]
Sent: Friday, May 01, 2015 2:35 PM
To: Posey, Mike
Cc: Fikes, Cathy
Subject: Plastic grocery bags

Hi Mike,

I live in Huntington Beach and I really love our city. I'm concerned about the proposed repeal of the plastic grocery bag law.

I think the spirit of the law is to help reduce the amount of plastic garbage we generate. You're right, it's not illegal, but it is a problem we have to address. Most people have joined in to help by bringing their own reusable bags, let's just keep it that way!

Every year on July 5th, as I drive down PCH going to work at Hoag Hospital, I'm shocked at the trash strewn roadsides. It's a sight to see and I'd estimate 70% is plastic grocery sacks.

Please reconsider your point of view and choose to keep Huntington Beach clean.

Thank You, Lori

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 7

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



May 1, 2015

**SUPPLEMENTAL
COMMUNICATION**

Ms. Jill Hardy, Mayor
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

Meeting Date: 5/4/15

Agenda Item No. 10

Dear Ms. Hardy:

RE: Proposed Amendment to the Beach and Edinger Corridors Specific Plan

The Department is writing to assist the City in its decision-making in considering amendments to the Beach and Edinger Corridors Specific Plan. Amendments being considered would lower the maximum allowable unit threshold to 2,100 units and modify development standards to reduce flexibility and increase parking requirements. If the City chooses to make proposed amendments, the City will need to immediately amend its housing element to identify how current and projected housing needs will be met.

On November 12, 2013 the Department found Huntington Beach's housing element in compliance with State housing element law (Article 10.6 of the Government Code). The compliance finding was based on identification of sufficient housing development capacity to meet the City's Regional Housing Need Allocation (RHNA) and effective programs to facilitate development of housing affordable to lower-income households. The housing element inventory of sites and programs rely heavily on capacity within the Beach and Edinger Corridors Specific Plan. The entirety of the City's housing need for lower-income household is accommodated on sites within the plan.

In the event the City chooses to reduce the maximum allowable units below what is needed to accommodate the remaining RHNA, the City will have to make findings of consistency with Government Code (GC) Section 65863. The following (with terms underlined for emphasis) summarize GC 65863 requirements for local governments to ensure the inventory of sites or any site programs accommodate the regional housing need throughout the planning period of the element. No local government action shall reduce, require or permit the reduction of the residential density for any parcel, or allow development of any parcel, at a lower residential density than identified in the site inventory or program unless the local government makes written findings. Lower residential density" means fewer units on the site than were projected by the jurisdiction site capacity calculation. The required findings must demonstrate the reduction is consistent with the adopted general plan, including the housing element and the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need.

Regarding consideration of modifying development standards and parking requirements, the City of Huntington Beach included policies and actions to encourage and facilitate infill and affordable housing development within the Downtown Specific Plan which the Department relied on in finding the housing in compliance with State housing law. Programs 8 and 15 will facilitate housing development, especially affordable housing. Facilitating infill development and reuse of underutilized land is critical to sustainable development including addressing climate change and maximizing existing land resources. In addition, infill development can promote economic sustainability including walkability, access to a mix of uses, and further fair housing objectives. Changing requirements to increase parking, decrease height limits, requiring conditional use permits and other changes to development standards impact cost and feasibility of development of housing and can pose a significant constraint to the development of affordable housing. Consideration of such changes is inconsistent with the policies and programs within the City's adopted housing element.

The Legislature has declared that housing is of vital statewide importance and that each local government has the responsibility to consider economic, environmental, fiscal factors and community goals in addressing regional housing needs. The Department supports the community's objectives to promote an inclusive community with a variety of affordable housing options and welcomes the opportunity to meet or discuss alternatives to the amendments being considered. If you have any questions or desire technical assistance, please contact Melinda Coy, of our staff, at (916) 263-7425.

Sincerely,



Glen Campora
Assistant Deputy Director

cc: Mr. Fred Wilson, City Manager
Mr. Scott Hess, Director of Planning

SUPPLEMENTAL COMMUNICATION

Fikes, Cathy

From: Steve Dodge [sjdhcc@socal.rr.com] **Meeting Date:** 5/4/15
Sent: Friday, May 01, 2015 11:38 AM
To: CITY COUNCIL
Cc: Fikes, Cathy **Agenda Item No.** 10
Subject: City Council Meeting 5/4/2015 - BECSP
Attachments: Table 4.pdf; APARTMENT PARKING SURVEY 5-1-15.pdf; CITY HB REDEV STAKEHOLDER LTR 3-13-15 cw 2.docx

Honorable Mayor and Council Members

In advance of the City Council meeting on Monday, May 4th, I am writing you concerning the Beach/ Edinger Corridor Specific Plan (BECSP). I am requesting that you do not vote for the proposed modifications. In addition to my previous communication dated March 13, 2015 (see attachment), I would like to make the following comments.

After spending many years and millions of dollars on developing the BECSP, it appears that the City Council wants to shut it down after only four (4) months of study. There has been, for the most part, no science behind some of the proposed modifications, namely the MAND, the retail requirement and parking.

As far as the MAND is concerned, why 2,100 units rather than 4,500? Obviously, since it represents a number that is already fully subscribed to, it's just a number that shuts down the program. There is no data that suggests a need to stop at 2,100 units.

Per my previous communication, first floor retail in suburban apartment complexes doesn't work. Have you asked the experts?

Related to parking, it would appear that what the City Council is proposing is just the most stringent parking requirement on the "City Planning Shelf" (the Coastal Zone parking requirement). The proper approach would be to consult with a parking expert to determine what the parking requirement should be based on similar operating apartment projects in comparable locations.

I have attached a parking survey of nine (9) recent apartment projects in Orange County. This survey is based on data I received from a real estate professional that is an apartment specialist. The projects on the survey are all operating with occupancy of ninety percent (90%) or better. Six (6) of the projects are owned and operated by the Irvine Company, an experienced developer that has a tendency to "get it right". With the exception of Los Olivos (2 and 3 story with surface parking), all of the projects are high density with either podium (underground garage) or wrap (above ground parking structure) configuration which is the type of project that the BECSP has produced. As shown on the survey, the average parking stalls per unit ratio is 1.69. At 2.5 stalls per unit, the proposed Coastal Zone parking requirement is 76% higher than the current BECSP minimum and 48% higher than the survey average. This is a significant difference and is very costly to developers.

The approximate cost per parking stall for a podium project is \$25,000 and \$15,000 for a wrap project. The Staff Report for the Planning Commission Public Hearing on April 14th (Table 4 which is attached) uses the Elan project to compare the BECSP minimum parking requirement to the proposed Coastal Zone parking requirement. The Table shows that parking under the Coastal Zone parking requirement would increase from 389 minimum spaces required to 685 minimum spaces required, an increase of 296 parking spaces or 76%. The Elan is a podium project which, under the Coastal Zone parking requirement, would result in a cost increase of \$7,400,000. This is significant financial burden and, based on the survey, may be unnecessary.

I am not a parking expert, but I have presented evidence that casts doubt that the Coastal Zone parking requirement is appropriate and shows the potential unnecessary financial consequences to property owners and

developers. The City Council should not put the Coastal Zone parking requirement in place and instead consult with a parking expert before making any changes to the BECSP parking requirements.

In summary, I am asking the City Council to act responsibly before acting on modifications to the BECSP. If all of the proposed modifications are put in place, the BECSP will be shut down. This will have significant negative financial impact on not only property owners, but the City of Huntington Beach as well (please see my previous email dated 3/13/15 attached). At a minimum, please do not vote for the MAND reduction, the retail requirement and changing the parking to the Coastal Zone parking requirement. Step back, do the science and then act.

Thank you for your consideration.

Steve Dodge

Huntington Executive Park

714-847-2531

TABLE 3 - Minimum Parking Requirements Per Unit

Use	Existing BECSP	Proposed BECSP Amendment
Residential		
Studios	1 space	2 spaces
1 Bdrm.	1 space	2 spaces
2 Bdrms.	1.5 spaces	2 spaces
3+ Bdrms.	1.5 spaces	2.5 spaces
Guest spaces	2 spaces/10 units	5 spaces/10 units

One difference is that in the coastal zone, when the coastal zone parking requirements exceed the minimum number of parking spaces otherwise required by the zoning code, the spaces may be allowed in a tandem configuration. The proposed amendment does not allow for a tandem configuration in the BECSP.

The proposed residential parking requirement would effectively require a minimum of 2.5 parking spaces per residential unit and at least 3 spaces required for units with three or more bedrooms. As requested by the Planning Commission at the March 24th study session meeting, Table 4 provides examples of the differences in required number of parking spaces for actual BECSP projects based on the existing and proposed residential parking requirements.

TABLE 4 - Parking Requirement Comparisons

Project	Existing BECSP Parking Req.	Proposed BECSP Parking Req.
Oceana		
Studio - 0	Studio - 0	Studio - 0
1 BR - 18	1 BR - 18	1 BR - 36
2 BR - 35	2 BR - 52.5	2 BR - 70
3 BR - 25	3 BR - 37.5	3 BR - 62.5
Total - 78	Guest - 15.6	Guest - 39
	Total - 124 minimum spaces required	Total - 208 minimum spaces required
Elan		
Studio - 26	Studio - 26	Studio - 52
1 BR - 129	1 BR - 129	1 BR - 258
2 BR - 119	2 BR - 178.5	2 BR - 238
Total - 274	Guest - 54.8	Guest - 137
	Total - 389 minimum spaces required	Total - 685 minimum spaces required

As shown in the examples, the proposed amendments would significantly increase the minimum number of required parking spaces for residential projects consistent with the City Council's direction.

APARTMENT PARKING SURVEY

Project	Units	Parking Stalls	Stalls/Unit
The Gateway, Anaheim, Irvine Co.	884	1,547	1.75
Essex Skyline, Santa Ana	349	550	1.58
The Marke, Santa Ana	300	660	2.20
Astoria at Central Park West, Irvine	240	410	1.71
Murano, Irvine, Irvine Company	628	942	1.50
Park at Irvine Spectrum, Irvine Co.	1,456	2,181	1.50
Umbria, Irvine, Irvine Company	435	652	1.50
Veneto, Irvine, Irvine Company	352	528	1.50
Los Olivos, Irvine, Irvine Company	1,750	3,396	1.94
Average			1.69

Honorable Mayor and Council Members

As a stakeholder, I am writing to you concerning the amendment to the Beach/Edinger Corridor Specific Plan (BECSP). What started out as a modification to address complaints by a very vocal group of residents has become an amendment that will effectively shut down the BECSP.

I think the Council should also consider the economic interests of the property owners and the City of Huntington Beach. The proposed amendment will have a serious negative economic impact on the property owners and the City.

Based on the Study Session comments, it appears that the Council wants the Maximum Amount of New Development (MAND) reduced from 4,500 units to 2,100 units. This is a number that is already subscribed to and shuts down the benefits of the BECSP to property owners. Every project that exceeds the MAND will be required to do an EIR and CEQA study. This requirement is very costly and time consuming. Furthermore, it is duplication because they were done as part of the BECSP process. With the proposed amendment requirement for a CUP on every project there is plenty of City protection in place. Why do we need to reduce the MAND when any project can be turned down by the Planning Commission and/or the City of Huntington Beach? Let's keep it at 4,500.

The proposed parking increases will drive significant extra construction cost and/or unit loss. Have any parking studies been done that show that the BECSP parking requirements are deficient? This item should be studied prior to adoption.

The building setbacks will cut unit count. However, I understand the concerns about the Elan project and generally support the street setback. However, we have not had time to study the proposed setback above the third floor and its economic impact.

The retail requirement is a problem. Talk to the experts, retail is extremely sensitive to location. Outside of true downtown urban locations, retail in residential projects rarely works and is a costly burden on a project.

The City of Huntington Beach also has a lot to lose if we shut down the BECSP. Attached you will find some interesting information on apartments in Huntington Beach and Orange County as well as household income required for rent at new apartment communities. The tables can be summarized as follows:

- 1) Before the BECSP projects, in Huntington Beach there were no significant new apartment communities built from 1990 through 2010. During this time, Orange County built 37,388.
- 2) Orange County 2000 and newer rents are 27% higher than Huntington Beach pre-2000 apartment average rents.
- 3) Average Huntington Beach apartment rating is C+ while average Orange County apartment rating for apartments built since 1990 is A or A-.

- 4) The household income required for rent at the three operating new apartment communities in Huntington Beach runs from \$69,510 to \$77,482. The median household income for Huntington Beach is \$74,911.

The take away from the tables is that prior to BECSP projects, Huntington Beach's apartment stock is old, of average quality and not very competitive with Orange County. The BECSP projects are attracting tenants that have good incomes that will be shopping at Huntington Beach stores and eating at Huntington Beach restaurants. One could argue the BECSP projects are actually improving resident quality in the City. Another economic consideration is the increase in property tax base. If you use a value of \$350,000 per unit (a conservative number), the existing 1,900 units built or approved under the BECSP will add \$665,000,000 to the local property tax base. Subtract out the stuff that was torn down and you've got a huge net number.

In summary, there seems to be an absence of science in the proposed amendments to the BECSP. Deterring development will have significant negative economic impact on not only property owners, but also the City of Huntington Beach. The positive impacts of the BECSP plan far outweigh the perceived negative impacts. Let's leave the plan in place.

Thank you for your consideration.

Steve Dodge

Huntington Executive Park

714-847-2531

William Halligan, Esq.

2003 Huntington Street • Huntington Beach, CA 92648 • whalligan43@gmail.com

April 29, 2015

SUPPLEMENTAL COMMUNICATION

Mayor Jill Hardy
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Meeting Date: 5/4/2015
Agenda Item No. 10

Re: Letter of Support for the Beach and Edinger Corridors Specific Plan as currently adopted.

Dear Mayor Hardy and Members of the City Council,

As a longtime resident of Huntington Beach, I would like to commend the Huntington Beach City Council on the adoption of the Beach and Edinger Corridors Specific Plan back in March 2010. Through adoption of this Specific Plan, former vacant and blighted commercial retail uses on Beach Boulevard and Edinger Avenue have been replaced with new high quality residential and mixed use projects. These projects have greatly improved and enhanced the Beach and Edinger Corridors and provided much needed housing for our residents who cannot afford or do not want to maintain a single-family home. Through adoption of the Specific Plan, millions of dollars have been invested in Huntington Beach. Huntington Beach needs more housing opportunities at varying densities so that our children and seniors can remain in Huntington Beach. As a result, I urge the City Council to maintain the key components of the Beach and Edinger Corridors Specific Plan.

I have reviewed the proposed amendments to the Beach and Edinger Corridors Specific Plan and offer the following comments:

1. Restrict building heights to four stories maximum. Limiting building height to just four stories, especially if the ground floor is required to be retail, will discourage further residential development within the corridors. At a minimum, exceedance of the four-story height limit should be allowed with a CUP.
2. Reduce the Maximum Amount of Net New Development (MAND) to 2,100 units. This proposed amendment is totally unacceptable. Approximately 1,900 units have already been approved by the City, therefore establishing the MAND at 2,100 will effectively prohibit any further residential development within the Specific Plan area. This means that vacant and blighted retail commercial uses along Beach and Edinger will remain and lead to increased crime in these areas. Additionally, this action will throw your recently adopted Housing Element out of compliance since it heavily relies on the Beach and Edinger Corridors Specific Plan to meet the City's Regional Housing Needs Assessment (RHNA) allocation. Specifically, Table IV-3 of the adopted Housing Element identifies 628 "Potential Housing Units during 2014-2021 Planning Period" within the Specific Plan area. The total City-wide RHNA allocation for very low and low income housing is 783 units, meaning the Beach and Edinger Corridors Specific Plan provides over 80 percent of the units in the very low and low income category. If the City Council proceeds with the proposed amendments, the City will have to identify new sites for potential housing units.

3. Require a CUP for all residential and mixed-use projects. This proposed amendment also violates the recently adopted Housing Element. In order for housing sites to be considered as satisfying the RHNA, housing must be allowed by right. Requiring a CUP for residential development within the Specific Plan area will throw the Housing Element out of compliance with State requirements.
4. Increase frontage setbacks to 30 feet minimum for projects fronting public streets (allow CUP to deviate) and require 10-foot upper story setbacks above third story. This is also an impediment to the development of high quality housing within the Specific Plan area. While it is agreed that the new mixed-use project at Beach and Ellis should have incorporated appropriate setbacks, a 30 foot setback from all public streets will make many sites within the Specific Plan area undevelopable. It is recommended that a 10 foot setback requirement be adopted so that redevelopment of sites for residential uses can still occur.
5. Require all residential projects to have retail/commercial uses at street level (allow CUP to deviate). While this may be considered good from an urban planning standpoint, it has not worked very well in the marketplace. For retail to be successful there must be appropriate access and parking available along with residential density significant enough to create demand. Other cities have required first floor retail in similar developments and it remains vacant long after the project has been completed. Examples can be seen in many mixed use projects in Irvine, Santa Ana, and Long Beach. By making this a requirement, it will further reduce the ability of the Specific Plan to bring about positive change to the area.

I would also like to note that none of these proposed amendments can be adopted without compliance with the California Environmental Quality Act (CEQA). The proposed Specific Plan Amendments require discretionary actions by the City Council and are therefore subject to CEQA. The proposed amendments are a change to a previously approved project for which an Environmental Impact Report (EIR) was prepared, and could result in new significant environmental impacts which have not been analyzed. Potential impacts include increased blight, aesthetic impacts, public safety issues, land use impacts related to nonconformance with the adopted Housing Element and violation of State housing law, and population and housing impacts. Therefore, a supplemental EIR should be prepared before these changes to the approved Beach and Edinger Corridors Specific Plan can be considered.

I hope the Huntington Beach City Council will provide much needed leadership and do what is best for the City and its residents. In just a few short years, the Beach and Edinger Corridors Specific Plan has brought about a tremendous amount of positive change in our community. Vacant and blighted commercial areas have been redeveloped with new high quality housing and mixed use development. Please let this positive change continue and oppose the proposed amendments to the Beach and Edinger Corridors Specific Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "William Halligan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William Halligan

Fikes, Cathy

From: Paula Hessley [paulamichael@earthlink.net]
Sent: Friday, May 01, 2015 10:05 AM
To: CITY COUNCIL
Cc: Fikes, Cathy
Subject: STOP HIGH DENSITY!

YES! They're destroying our city ~ we citizens hate it! The least you could do is enforce the 30' setbacks, height restrictions, green space and future developments of this magnitude.

Do you know that the dogs in the Bella Terra apartments are going to the bathroom in the halls and elevators??!!!

You've heard so many complaints from our citizens.

Are Erik Peterson and Jill Hardy the only ones on our Council who are listening to us?

We can hardly wait for another election.....

Paula and Michael Hessley
18102 Freshwater Circle
92648

_____ Information from ESET NOD32 Antivirus, version of virus signature database 11562 (20150501)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Linda Polkinghorne [lapolkinghorn@gmail.com]
Sent: Friday, April 24, 2015 2:03 PM
To: CITY COUNCIL
Subject: High density housing
Attachments: 20150424_130930.jpg

Took me 3 lights to get through one intersection.....so please tell me why some of you think it's OK to cram people into this ugly high density housing.....do you not see the big picture....your destroying H B

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Nancy Saksa [saksanancy@gmail.com]
Sent: Wednesday, April 29, 2015 4:47 PM
To: CITY COUNCIL
Subject: High density

Please stop the high density projects in my city. It's too much!!

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Quinn [quinnstahl@yahoo.com]
Sent: Monday, April 27, 2015 9:28 AM
To: Katapodis, Jim
Cc: Fikes, Cathy
Subject: High density development

Dear Jim,

I voted for you in the last HB City Council election (and the prior one) so thought I would let you know that as a 13 year resident of Huntington Beach, I am NOT in favor of high density development within our city. It is disturbing to me to see the number of developments that have popped up recently both near Bella Terra and now at Beach/Ellis. I actually didn't mind the original apartments at Bella Terra, but after seeing the next batch of apartments, I was quite worried for our traffic, parking, congestion, emergency resources. I also didn't mind the large number of apartments at Beach/Adams until I again saw a large complex pop up at Beach/Ellis, as I already have trouble making it down Beach Blvd to the freeway, finding parking at Trader Joes, etc. On top of that, the building is so close to the street! One of the reasons I moved from San Francisco to Huntington Beach back in 2002 was because of the more suburban, non-congested feel of Huntington Beach. I could appreciate the beauty of the ocean, the quaintness of downtown and laid back lifestyle that was in contrast to the hectic life of living in a big city. My desire was to leave congestion, waiting in lines for everything and concrete cities behind me. In 2012 we moved out of downtown Huntington Beach because the chaos and congestion was continuing to grow and it was no longer a desirable place to have a family. We have since settled in a tract near Magnolia and Adams and are engrained in the sports, school and social community with our 8 year old. Unfortunately our family is again starting discussions about whether Huntington Beach is a city where we want to continue to live and raise our child. We are now looking at cities in Southern Orange County that still have grass, family focus and less density within their construction. As the Huntington Beach focus seems to be on bringing in more and more people, higher density living and congestion (along with the draw of outside party people downtown), Huntington Beach again doesn't seem like a very good choice for families. I do recognize the benefits of bringing in newer, higher end restaurants and shops and would love to see that continue. Oh how I would love something more than a dirty burger and fries location. However, my recommendation would be to utilize the many already available buildings, strip malls, etc and re-vamp them to a higher standard as they have been doing at Beach/Atlanta over the past several years. Where do we usually go for lunch or shopping? Costa Mesa! Why? They have more upscale (but reasonable) options like Greenleaf Chophouse, Pirch, Portola Coffee Lab, farmer's markets with actual organic produce, etc.

As a resident of Huntington Beach, I urge you to consider the people who already live here and our desire to raise our children in a safe and enjoyable community.

Kind Regards,
Quinn Stahl

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Quinn [quinnstahl@yahoo.com]
Sent: Monday, April 27, 2015 12:26 PM
To: Peterson, Erik
Cc: Fikes, Cathy
Subject: High Density Development

Dear Erik,

I voted for you in the last HB City Council election so thought I would let you know that as a 13 year resident of Huntington Beach, I am NOT in favor of high density development within our city and support your efforts to curb some of the currently proposed construction. It is disturbing to me to see the number of developments that have popped up recently both near Bella Terra and now at Beach/Ellis. I actually didn't mind the original apartments at Bella Terra, but after seeing the next batch of apartments, I was quite worried for our traffic, parking, congestion, emergency resources. I also didn't mind the large number of apartments at Beach/Adams until I again saw another large complex pop up at Beach/Ellis, as I already have trouble making it down Beach Blvd to the freeway, finding parking at Trader Joes, etc. On top of that, the building is so close to the street! One of the reasons I moved from San Francisco to Huntington Beach back in 2002 was because of the more suburban, non-congested feel of Huntington Beach. I could appreciate the beauty of the ocean, the quaintness of downtown and laid back lifestyle that was in contrast to the hectic life of living in a big city. My desire was to leave congestion, waiting in lines for everything and concrete cities behind me. In 2012 we moved out of downtown Huntington Beach because the chaos and congestion was continuing to grow and it was no longer a desirable place to have a family. We have since settled in a tract near Magnolia and Adams and are engrained in the sports, school and social community with our 8 year old. Unfortunately our family is again starting discussions about whether Huntington Beach is a city where we want to continue to live and raise our child. We are now looking at cities in Southern Orange County that still have grass, family focus and less density within their construction. As the Huntington Beach focus seems to be on bringing in more and more people, higher density living and congestion (along with the draw of outside party people downtown), Huntington Beach again doesn't seem like a very good choice for families. I do recognize the benefits of bringing in newer, higher end restaurants and shops and would love to see that continue! Oh how I would love something more than a dirty burger and fries location. However, my recommendation would be to utilize the many already available buildings, strip malls, etc and re-vamp them to a higher standard as they have been doing at Beach/Atlanta over the past several years (although higher end than what they've put in there would have been better!). Where do we usually go for lunch or shopping? Costa Mesa! Why? They have more upscale (but reasonable) options like Greenleaf Chophouse, Pirch, Portola Coffee Lab, farmer's markets with actual organic produce, etc. Perhaps in a place like the vacant Albertson's at Atlanta/Magnolia we could court a high end Bristol Farms, another Whole Foods, etc. Unfortunately I now go out of my way to avoid Bella Terra so more high end shops toward the beach would be wonderful!

As a resident of Huntington Beach, I appreciate that you are considering the people who already live here and our desire to raise our children in a safe and enjoyable community.

Kind Regards,
Quinn Stahl

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Jim Wise [jwisnb662@gmail.com]
Sent: Wednesday, April 29, 2015 7:32 PM
To: CITY COUNCIL
Cc: Fikes, Cathy
Subject: Opposition to High Dnesity Housing

I'm extremely upset at the proliferation of High Density housing in the Bella Terra – Beach & Edinger "Corridors". This area is already crowded normally, and on weekends with Swap Meets at GWC, it's almost unbearable! I see all this High Density Housing going up, and am NOT re-assured that the area can absorb even the units that have already been built, as they become occupied.

I urge you to support Zoning Text Amendment 15-003, and LIMIT the area to 35 units per acre in keeping with our General Plan

J. D. Wisenbaker
16352 Serenade Ln
HB, CA

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Esparza, Patty

From: Flynn, Joan
Sent: Saturday, May 02, 2015 9:40 PM
To: Esparza, Patty
Subject: Fwd: SUPPORT Amendments to BECSP

Joan Flynn, City Clerk
Huntington Beach

Begin forwarded message:

From: "Gino J. Bruno" <gbruno@socal.rr.com>
Date: May 2, 2015 at 8:15:49 PM PDT
To: Huntington Beach City Council <city.council@surfcity-hb.org>
Cc: Fred Wilson <fred.wilson@surfcity-hb.org>, "Joan L. Flynn" <jflynn@surfcity-hb.org>
Subject: SUPPORT Amendments to BECSP

Please SUPPORT the proposed relevant amendments to the BECSP to slow the insanity of the high density development that is detracting from the beauty of our great beach city.

Consider the feedback you are no doubt receiving from the residents that you represent dealing with the unfortunate and worsening traffic impacts, noise, parking issues, insufficient available City services, etc., that we are only beginning to experience.

As a longtime resident of Huntington Beach I urge you to:

- Reduce the MAND to 2,100 units;
- Limit not more than 25 dwelling units per acre;
- Limit height to not more than 4 stories, with the 4th story set back from the plane of the 3rd story;
- Increase parking to Coastal Zone Parking requirements;
- Require a minimum of a 30' setback from the street or sidewalk (whichever is closer to the building);
- Require commercial/retail on the ground floor to stimulate commercial usages and jobs; and
- Incentivize condos, rather than more apartments – occupiers should have some real financial skin in the game.

Thank you.

Gino J. Bruno
Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Susan Gary [susangaryphotos@aol.com]
Sent: Friday, May 01, 2015 8:22 PM
To: CITY COUNCIL
Cc: Fikes, Cathy
Subject: High Density Development along BECSP

Dear Council Members,

We are hoping and praying that you our current council members, will do all in your power to curb or re-access this outrageous HDD building that is springing up in the BECSP. We live down the street off Edinger between Edwards and Goldenwest on Belfast Lane. We recently bought our new home 1-1/2 years ago after selling our condo off Heil and Algonquin. We paid a lot of money for our home as it is the largest one on our block and we love our home and neighborhood. It is clean and quiet. Well worth the \$8500 a year we are now paying for property taxes!

However with each passing day we are getting more and more disturbed by the HDD going on down Edinger especially! I am also a long time business owner in Huntington Beach since 1982! My office and shop in located off Slater and Beach Blvd on Crabb Lane. We are a boat bottom cleaning company Warner Bayside Dive. When I drive the route from my office to home, the traffic is getting worse and worse. And on days I don't have to go to Chase at Beach and Edinger I take alternate route to avoid the terrible traffic. I shudder to think how much worse this traffic is going to be once these new apartments are filled!

Please help out your tax paying long term home owners of your city by curbing the continuing development before it is too late!

Not to even mention all the additional water that is going to be used by so many more residents during this historic drought.

Sincerely

Susan And (Jon) Gary

Sent from my iPhone

Susan Gary
Warner Bayside Dive
Glorious Nature Photography
Susan Gary Photography
(Sent from my iPad)

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

Fikes, Cathy

From: Steve La Motte [slamotte@biaoc.com]
Sent: Friday, May 01, 2015 6:26 PM
To: Hardy, Jill; Katapodis, Jim; Sullivan, Dave; Delgleize, Barbara; O'Connell, Billy; Peterson, Erik; Posey, Mike
Cc: Fikes, Cathy; Dombo, Johanna
Subject: BIA/OC Letter for Public Record Re: BECSP
Attachments: Letter to Huntington Beach City Council - May 4 2015-pdf.pdf; ATT00001.htm

Mayor and City Council Members,

Please accept the attached letter as public record for the May 4, 2015 City Council Meeting.

Please do not hesitate to reach out should you have any questions.

Thank You,

Steven C. LaMotte
Director of Government Affairs
Building Industry Association | Orange County Chapter (BIA/OC)
24 Executive Park, Ste 100
Irvine, CA 92614
(949) 553-9500 ext. 863
(949) 777-3863 Direct
SLaMotte@biaoc.com

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10



May 4th, 2015

Mayor Jill Hardy
Honorable City Council Members
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Comments on Beach and Edinger Corridor Specific Plan Amendments

Dear Mayor Hardy and City Council Members,

On behalf of our membership, I would like to communicate our recommendations for the proposed Beach and Edinger Corridor Specific Plan Amendments. We would like to thank city staff for their outreach to our Organization and for their hard work on this issue.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of nearly 1,000 companies employing over 100,000 people affiliated with the home building industry. The Orange County Chapter represents the largest member base within BIA Southern California. Our mission is to champion housing as the foundation of vibrant and sustainable communities.

The purpose of the Beach and Edinger Corridor Specific Plan is to enhance and maximize the potential of this major thoroughfare. However, if the proposed amendments are approved, this once clear vision for growth and change may not accomplish the goals of its intended purpose. Therefore, we propose the following recommendations:

- 1. Maximum Amount of Net New Development (MAND).** BIA Recommendation – allow MAND to remain at the currently adopted 4,500 units as in accordance with the EIR. Being that 1,900 units have already been approved by the City, establishing the MAND at 2,100 is effectively a moratorium on the Beach/Edinger Specific Plan. If the MAND must be reduced, at least consider a maximum count of 3,000 units, this would allow projects currently in the planning stages to proceed accordingly. Furthermore, by significantly reducing the MAND, Huntington Beach is at serious risk of losing the younger generation of workers and taxpayers. In fact, Orange County’s millennial population is down 7% while surrounding counties have shown an increase over the last decade, this will lead to a limited number

PRESIDENT
JOAN MARCUS-COLVIN
THE NEW HOME COMPANY

VICE PRESIDENT
JIM YATES
RANCHO MISSION VIEJO

TREASURER
PHIL BODEM
TAYLOR MORRISON

SECRETARY
MIKE GARTLAN
KB HOME

IMMEDIATE PAST PRESIDENT
DONNA KELLY
LENNAR

TRADE CONTRACTOR V.P.
ALAN BOUDREAU
BOUDREAU PIPELINE CORPORATIO

ASSOCIATE VICE PRESIDENT
MARK HIMMELSTEIN
NEWMAYER & DILLION, LLP

MEMBER-AT-LARGE
MIKE MCMILLEN
TRI POINTE HOMES

MEMBER-AT-LARGE
SCOTT STARKEY
STARKEY COMMUNICATIONS

CHIEF EXECUTIVE OFFICER
MICHAEL BALSAMO

24 Executive Park, Suite 1
Irvine, California 92614
949.563.9500 | biaoc.org

of talented workers. Furthermore, the modifications to the Specific Plan proposed at this time will mitigate any aesthetic concerns that have been expressed about previous projects within the plan area.

2. Building Height.

BIA Recommendation - allow CUP to deviate.

- 3. Residential projects to have retail/commercial uses at street level (allow CUP to deviate).** BIA Recommendation – Use the word encourage rather than require. The viability and appropriateness of ground floor retail is dependent on project specific circumstances. For retail to be successful, there must be appropriate access and parking availability along with residential density significant enough to create demand. By making this a requirement, it can become a constraint to any change in the area. Beach Boulevard is already heavily concentrated with retail. Creating more residential uses will have a positive impact on the success of existing retail in the area.

Lastly, we would also like to recommend that you consider allowing The AMCAL project on Delaware Street to be included in the Beach/Edinger Specific Plan. By including this project, the City can provide much needed housing to those underserved in our county. It is critical for the health of our communities that housing opportunities be provided for the full spectrum of income levels. This proposed project will include affordable housing units that can assist the City in avoiding state regulatory challenges, and, most importantly, includes 8 units restricted as supportive housing for veterans.

As always, we remain a resource to the City on important issues that are related to the wellbeing of our local communities. Thank you for your time and thoughtful consideration.

Sincerely,



Michael Balsamo
Chief Executive Officer

Cc: City Manager

Esparza, Patty

From: Donna Little [reddll2003@yahoo.com]
Sent: Monday, May 04, 2015 11:47 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: HD in HB

AGENDA COMMENT

Dear City Council Members,

You must vote to stop the HD in HB. At the very least reduce the density of units per Acre. Amongst the issues against HD is added traffic, water shortages, parking shortages. HB does not have to. Provide housing for every person on the planet. We must limit Our population with concerns to safety with city resources such as energy, police and fire Personnel.

Thank you for your time.

Donna Little
17132 Pacific Coast Hwy. unit 202
92649

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: ANNE [annesmail@socal.rr.com]
Sent: Monday, May 04, 2015 11:56 AM
To: CITY COUNCIL; Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: High Density item #10

AGENDA COMMENT

May 4, 2015

Mayor Hardy and City Council members;

My name is Anne McGuire. I have lived in Huntington beach since 1981. 34 wonderful years. However, now it isn't looking so wonderful with all of the high density apartments I've seen going up.

I urge you-- no plead with you-- to bring an end to this. I am on HBCF on Facebook and all of the reasons to stop have been made abundantly clear to me as well as the over 10K members. We have many members from all professions and walks of life who all agree that this is not what the voters want to see happening in Huntington beach. Many of us will be speaking tonight at the CC meeting. Please listen carefully and with your mind and heart open because we care about our city. I know that they speak for many who cannot be there tonight to speak.

We fall seriously short on resources to have such a large addition of citizens added all at once. We will be short of police, fire fighters, medical facilities, water, and parking. In the long run I only see this as a huge mistake should it continue. Not to mention they simply do not "look" like Huntington beach. Every time I drive past Ellis and Beach Blvd I want to cry. Yes, that's how I feel along with anger and disappointment that we let this happen. But, you can STOP this tonight. Please vote to ensure that we don't see another horrible looking apartment building like that in Huntington beach ever again.

Please agree to no more than three stories, 30 foot setbacks, only twenty-five per acre, and let's consider condos and townhouses in the future. It's in your hands. Please do the right thing.

Sincerely,
Anne McGuire

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: Flynn, Joan
Sent: Friday, May 01, 2015 6:52 PM
To: CITY COUNCIL; Wilson, Fred; Esparza, Patty
Subject: Fwd: Comments on the BECSP Amendment
Attachments: Ltr_BECSP Amendment CC_15.5.1.pdf; ATT00001.htm

Joan Flynn, City Clerk
Huntington Beach

Begin forwarded message:

From: "linda tang" <kencomlt33@gmail.com>
To: "Flynn, Joan" <jflynn@surfcity-hb.org>
Cc: "Cesar Covarrubias" <cesarc@kennedycommission.org>, "Coy, Melinda@HCD" <Melinda.Coy@hcd.ca.gov>, "Villasenor, Jennifer" <JVillasenor@surfcity-hb.org>, "Medel, Rosemary" <rmedel@surfcity-hb.org>
Subject: RE: Comments on the BECSP Amendment

Dear City Clerk Flynn,

Please find attached the Kennedy Commission's comment letter regarding the City Council's Public Hearing Agenda Item #10: Adopt Resolution No. 2015-20 approving Zoning Text Amendment (ZTA) No. 15-003 to amend Beach and Edinger Corridors Specific Plan (BECSP).

Please confirm receipt of this email and let us know if you have any questions.

Thank you.

--
Sincerely,

Linda Tang
The Kennedy Commission
17701 Cowan Ave., Suite 200
Irvine, CA 92614
p: (949) 250-0909
f: (949) 263-0647
www.kennedycommission.org<<http://www.kennedycommission.org>>

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/4/15

Agenda Item No. 10

May 1, 2015



www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
Fax 949 263 0647

Mayor Jill Hardy and City Council Members
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Beach and Edinger Corridors Specific Plan (BECSP) Amendment

Dear Mayor Hardy and City Council Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing policies that has led to the new construction of homes affordable to lower income working families.

The Commission would like to acknowledge and commend the City for its leadership in encouraging and facilitating the development of homes affordable to lower income families. Oceana Apartments, which is comprised of 78 apartment homes for lower income families, is currently under construction and the City's inclusionary ordinance has resulted in 30 lower income on-site affordable homes within market-rate developments.¹ As the City moves forward in amending the Beach and Edinger Corridors Specific Plan (BECSP), the Commission urges the City to continue it's support for the development of affordable homes.

The Commission has provided the following recommendations for the City:

- 1. Continue the City's partnership with the Commission to facilitate the development of homes affordable to lower income working families in the City.**
- 2. Ensure the City's 2014-2021 Housing Element continues to stay in compliance with State Housing Element law.** The City has not provided a thorough analysis and discussion on how the BECSP land inventory identified in the Housing Element for the development of affordable homes for lower income families would be impacted. *Without the BECSP's sites, there will be a shortfall of sites for the development of lower income families. With a short-fall of sites, the City's 2014-2021 Housing Element will be found out of compliance with State Housing Element law.* The City will need to: 1) identify additional adequate and sufficient sites to address the City's Regional Housing Needs Assessment (RHNA) for low-, very low- and extremely low-income households and; 2) update and amend the 2014-2021 Housing Element with the approval of the Planning Commission and City Council.

¹ City of Huntington Beach 2013-2021 Housing Element, p. V-12, September 16, 2013.

3. **Provide a thorough analysis and discussion on the barriers and constraints the BESCP amendment will impose on the future development of affordable homes for lower income families in the City** (i.e., requiring a Conditional Use Permit (\$9,989), Zoning Text Amendment (\$15,163) and Environmental Assessment (\$10,679) if an applicant proposes a development that exceeds the Maximum Amount of New Development (MAND)²; requiring a Conditional Use Permit (CUP) to the Planning Commission for all residential and mixed use developments; applying the coastal zone parking requirements to all residential projects and; requiring all residential projects to have retail/commercial uses at street level).³ If the BESCP amendment is implemented, these requirements will impose significant constraints to the development of homes affordable to lower income families.

4. **Re-evaluate Housing Program 8: Beach/Edinger Corridor Specific Plan** which states:

“The Specific Plan has proven highly successful in facilitating development, with five large scale apartment projects totaling 1,409 units entitled for development. A total of 230 deed restricted affordable units are provided within these projects, including 130 moderate income, 21 low income, 70 very low income and 9 extremely low income units. The Plan's generous development standards help to facilitate lower cost development options, and projects are required to fulfill inclusionary housing requirements either on-site or within the Plan area; projects exceeding inclusionary thresholds on-site are eligible for reduced development fees.

2013-2021 Objective: Continue to implement the Beach and Edinger Corridors Specific Plan to provide expanded capacity for high density residential and mixed use development by right. Encourage the provision of housing for affordable to lower income households by requiring inclusionary units to be provided on-site or within the boundaries of the Specific Plan, and providing additional incentives for increased percentages of affordable units.”⁴

For the 2014-2021 Housing Element planning period, the City has a Regional Housing Needs Assessment (RHNA) of 313 very low- and 220 low-income households. To address the RHNA, the City identified a total site capacity of 783 homes. Of these homes, 373 homes (seven vacant sites) and 255 homes (five underutilized sites) are located in the BECSP.⁵ Without the BECSP sites, the City will have a potential of 155 homes or a very low- and low-income RHNA shortfall of 378 homes. In addition, there will be no opportunities for applicants/ developers to submit

² BECSP M.A.N.D. Applicability and Project Update- City of Huntington Beach Inter-Department Communication, p. 1, March 16, 2015.

³ Direct Staff to Pursue Amendments to the Beach and Edinger Corridors Specific Plan (BESCP)- City of Huntington Beach Request for City Council Action, p. 1, March 16, 2015.

⁴ City of Huntington Beach 2013-2021 Housing Element, p. V-22 – V-23, September 16, 2013.

⁵ City of Huntington Beach 2013-2021 Housing Element, p. IV-8, September 16, 2013.

Mayor Hardy and City Council Members
May 1, 2015
Page 3 of 3

applications for affordable home developments without triggering the need for an expensive process that entails the application of a Conditional Use Permit, Zoning Text Amendment and Environmental Assessment. Currently, there are 1,900 total homes that are approved and have building permits issued in the BECSP. The residential MAND in the BECSP will be reduced from 4,500 homes to 2,100 homes; however, the 2,100 homes accounts for both the 1,900 homes approved and a development comprised of 172 apartment homes that has a formal planning application pending approval.⁶ The BECSP will be close to capacity.

The approval of the City's 2014-2021 Housing Element was contingent on identifying adequate and sufficient sites that would facilitate the development of affordable homes for lower income families. According to a letter from the Department of Housing and Community Development (HCD), HCD found the City's 2014-2021 Housing Element in compliance and stated:

"The Department commends the City for developing meaningful housing and land use strategies including the adoption of the Beach and Edinger Corridor specific plan. Through these plans and the successful implementation of other programs, Huntington Beach can offer a mix of housing choices, preserve at-risk housing, and facilitate compact housing development with a mix of uses for a variety of income levels."⁷

The Commission looks forward to hearing the City's response to our concerns. We welcome any opportunity to continue our dialogue that will result in the production of new homes affordable to extremely low-, very low- and low-income working families. **Please keep us informed of any upcoming meetings regarding the BECSP amendments.** If you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

cc: Melinda Coy, State Department of Housing and Community Development

⁶ BECSP Amendment Presentation- City Council Study Session, Slides 4-5, March 2, 2015.

⁷ Review of the City of Huntington Beach's 5th Cycle (2013-2021) Adopted Housing Element Letter, Department of Housing and Community Development, p. 1, November 12, 2013.

Dombo, Johanna

From: rstevens17@socal.rr.com
Sent: Monday, May 04, 2015 9:54 AM
To: CITY COUNCIL
Subject: Stop the building!!!!!!

Stop and Save SURF city before we loose this Great City that our family has lived in since 1975. We now are loosing this Great City by what we are doing to get more people IN HUNTINGTON BEACH

PLEASE STOP THIS MADNESS OF THE BUILDING UNITS, THESE HIGH TENSITY UNITS WILL KILL THE CHARM OF HUNTINGTON BEACH.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Dombo, Johanna

From: Janine Stiffler <jstiffler@socal.rr.com>
Sent: Monday, May 04, 2015 11:01 AM
To: CITY COUNCIL
Cc: Fikes, Cathy
Subject: Approve Zoning Text Amendment No 15-003

Dear City Council Members,

I urge you to amend the Beach Edinger Corridor Specific Plan by reducing the residential maximum amount of new development, and imposing a density limit of 35 units per acre in keeping with our General Plan. Huntington Beach residents deserve and expect our City Council to come up with a Commercial development plan for our commercial corridor while preserving the character of our community. Please approve Zoning Text Amendment No 15-003 Sincerely, Janine and Randall Stiffler

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: Agenda Comment
Sent: Monday, May 04, 2015 9:49 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

AGENDA COMMENT

Subject I Support BECSP MAND Reduction (Resolution 2015-20)
Name Frank Vozel
Email frank.vozel@gmail.com

Comments

I support reducing the amount of high density residential/commercial new development properties in Huntington Beach. Please adopt the MAND reduction. The current Huntington Beach plans call for too much urbanization. That is not the correct path to take. We live in a beach side suburban community. I don't want Huntington Beach to turn into Santa Monica. The new development completed thus far has resulted in negative impacts on our community. Please curtail exploding urbanization of our city.

v/r,

Frank Vozel

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: Agenda Comment
Sent: Monday, May 04, 2015 10:05 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

AGENDA COMMENT

Subject Adopt Coastal Zone Parking Requirements (Resolution 2015-20)
Name Frank Vozel
Email frank.vozel@gmail.com

Comments

I support the council's recommendation to adopt the Coastal Zone Parking requirements for BECSP and ALL Huntington Beach new developments.

The current BECSP parking requirements are flawed, as are many other aspects of the urbanization plans put forward by planning commission and adopted by council. However, the planning commission recommended increase does not go far enough. I urge the council to act to increase to the coastal zone standard and curtail the explosion of urbanization in Huntington Beach.

v/r,

Frank Vozel

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: Agenda Comment
Sent: Monday, May 04, 2015 10:22 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

AGENDA COMMENT

Subject I Support BECSP Maximum Height Reduction (Resolution 2015-20)
Name Frank Vozel
Email frank.vozel@gmail.com

Comments

I urge the council to adopt a maximum height of 4 stories maximum for all BECSP developments. The developments completed and under construction under the plan are out of place in our community. The current Huntington Beach plans call for too much urbanization. That is not the correct path to take. We live in a beach side suburban community. I don't want Huntington Beach to turn into Santa Monica. I urge the council to adopt all resolutions to curtail the explosion of urbanization in Huntington Beach.

v/r,

Frank Vozel

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: Agenda Comment
Sent: Monday, May 04, 2015 11:11 AM
To: Agenda Comment
Cc: Fikes, Cathy; Dombo, Johanna; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

AGENDA COMMENT

Subject I Support Minimum Setback Increase to 30ft for BECSP (Resolution 2015-20)
Name Frank Vozel
Email frank.vozel@gmail.com

Comments

The current setback minimum of 0 ft in BECSP is absurd. It is incompatible with the surrounding developments and in many cases dangerous for people using sidewalks and streets adjacent to a 0 ft setback development.

I urge the council to adopt a 30ft minimum setback and remove the maximum setback requirement for all new developments. The current Huntington Beach plans call for too much urbanization which is not the correct path to take. We live in a beach side suburban community. I don't want Huntington Beach to turn into Santa Monica. I urge the council to adopt all resolutions to curtail the explosion of urbanization in Huntington Beach.

v/r,

Frank Vozel

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10

Esparza, Patty

From: bawareh@aol.com
Sent: Monday, May 04, 2015 1:24 PM
To: Agenda Comment
Cc: CITY COUNCIL; Fikes, Cathy; Dombo, Johanna
Subject: Please Motion for 25 Units/Acre tonight!

AGENDA COMMENT

Dear HBCC,

HB AGAINST HD is representing tonight on BECSP HDD redo!

The cuts we asked for are listed on the Agenda for the vote, BUT.....

*** ALERT *** ALERT *** ALERT *** ALERT ***

YOU are STILL MISSING a DENSITY CAP, or UNITS/ACRE limit!

This anti-HDD fight has been mostly about density (a cause of traffic & zero setbacks & budget busting costs for more cops, firemen, traffic & infrastructure & school improvements)) and we don't have a DENSITY CAP yet (it is not listed on the Agenda to be voted on) so unless YOU motion for it to be voted on, HDD developers STILL can build 80+ units/acre!!!

*** Scot Hess said our cuts may shave 20% off of 104 units/acre Elan Monstrosity!!!

So PLEASE make sure to MOTION for a:

*** 25 UNITS/ACRE limit!

Which CC member will be POSTED as the next SuperHero to join Erik and motion for this???

What else is STILL MISSING:

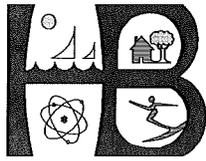
1. BROKEN ROOF EDGE - Line up & down (4 story, then 3), like Pacific City Apts added. Just say no to HDD BRICKS (see Elan Apts)!
2. INCENTIVIZE CONDOS not Apts - Need to take away the Apt \$ incentive. Skin-in-the-game stability ownership over transient rentals!
3. HEIGHT - 3 stories max! Cuz 4 stories is a "Closeout!"
4. PARKING MGMT PLAN - Add requirement to assign parking spots to each unit so parking cannot be sold by apartment mgmt.
5. TRANSPARENCY BOX - Add a DATA box @ the top of ALL plans to be approved by CC - Include the most important 5 data point items! So we can find the units/acre, parking, etc... to compare proposed project to others! And Beds/acre would be a good one to list too!

THANK YOU ALL IN ADVANCE,
Bruce Wareh
HB Against HD
714-642-5538

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5-4-15

Agenda Item No. 10



CITY OF HUNTINGTON BEACH

Interdepartmental Memo

TO: Honorable Mayor and City Council

FROM: Joan L. Flynn, City Clerk 

DATE: May 1, 2015

SUBJECT: **TWO CORRECTED ORDINANCE NUMBERS FOR THE CITY COUNCIL
MAY 4, 2015 AGENDA PACKET – ITEM #11 AND ITEM #12**

The attached documents reflect the corrected Ordinance numbers for each document:

PUBLIC HEARING

#11. Ordinance **#4058**, *“An Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 15-004).”*

ORDINANCES FOR ADOPTION

#12. Ordinance **#4059**, *“Urgency Measure Adopting an Interim Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications.”*

Public Hearing Item #11

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
ADDING SECTION 204.18 TO CHAPTER 204 OF THE
ZONING AND SUBDIVISION ORDINANCE TITLED
USE CLASSIFICATIONS
(ZONING TEXT AMENDMENT NO. 15-004)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 15-004, which amends Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance relating to use classifications; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 204.18 of the Zoning and Subdivision Ordinance is hereby added to read as follows:

204.18 Prohibited Uses.

- A. Purpose. In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc. are prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. Definitions. For purposes of this section, the following term is defined:
 - 1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.

C. Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries. A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any medical marijuana business, collective, cooperative or dispensary in the City.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

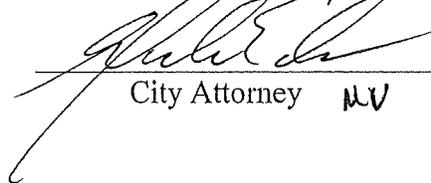
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

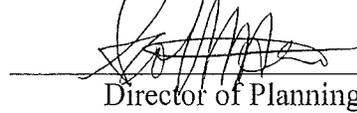


City Attorney MV

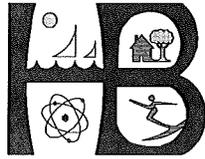
REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:



Director of Planning and Building



CITY OF HUNTINGTON BEACH
Interdepartmental Memo

TO: Honorable Mayor and City Council

FROM: Joan L. Flynn, City Clerk 

DATE: May 1, 2015

SUBJECT: **TWO CORRECTED ORDINANCE NUMBERS FOR THE CITY COUNCIL
MAY 4, 2015 AGENDA PACKET – ITEM #11 AND ITEM #12**

The attached documents reflect the corrected Ordinance numbers for each document:

PUBLIC HEARING

#11. Ordinance **#4058**, *“An Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 15-004).”*

ORDINANCES FOR ADOPTION

#12. Ordinance **#4059**, *“Urgency Measure Adopting an Interim Ordinance of the City of Huntington Beach Adding Section 204.18 to Chapter 204 of the Zoning and Subdivision Ordinance Titled Use Classifications.”*

Ordinance for Adoption

Item #12

URGENCY MEASURE ADOPTING AN INTERIM ORDINANCE OF
THE CITY OF HUNTINGTON BEACH ADDING SECTION 204.18
TO CHAPTER 204 OF THE ZONING AND SUBDIVISION ORDINANCE
TITLED USE CLASSIFICATIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. FINDINGS.

- A. Federal laws have historically prohibited any possession, sale and distribution of marijuana. Due to the City's concerns of public health, safety, and welfare of the residents and businesses, in 2007, the City Council amended the Zoning and Subdivision Ordinance (Ordinance No. 3788) to eliminate medical marijuana dispensaries as a permitted (retail, commercial, or otherwise) use within the City. The City of Huntington Beach also previously imposed a Moratorium on medical marijuana dispensaries; and
- B. Since 2007, medical marijuana dispensaries are not permitted to operate in Huntington Beach and therefore are strictly prohibited to exist in the City; and
- C. To expressly and notoriously inform the citizens of the City's intent to continue to serve the public health, safety, and welfare of the residents and businesses within the City, the City Council desires to amend the Huntington Beach's Zoning and Subdivision Ordinance to make express the City's current prohibition of medical marijuana dispensaries within the City; and
- D. Medical marijuana dispensaries have been established in numerous locations in California, and as a consequence, local agencies have reported negative secondary effects on the community, which effects include illegal drug activity and drug sales in the vicinity of dispensaries; robbery of persons leaving dispensaries; driving under the influence of a controlled substance by persons who have obtained marijuana from a dispensary; persons acquiring marijuana from a dispensary and then selling it to a non-qualified person; burglaries and robberies; and an increase in vacancies in the commercial areas in the vicinity of such businesses; and
- E. There is a current and immediate threat to the public health, safety, and welfare of residents and businesses within the City and the issuance of any permit or approval for the establishment of a medical marijuana dispensary within the City prior to the adoption of a regular zoning ordinance containing an express prohibition might result in the realization of that threat; and

- F. Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 15-004, which amends Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance relating to use classifications.

SECTION 2. DECLARATION OF URGENCY.

Pursuant to Government Code Section 65858, and based on the findings set forth above, the City Council hereby declares that this interim ordinance is necessary as an urgency measure for the immediate preservation of the public health, safety, or welfare.

SECTION 3. Section 204.18 of the Zoning and Subdivision Ordinance is hereby added to read as follows:

204.18 Prohibited Uses.

- A. Purpose. In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc. are prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. Definitions. For purposes of this section, the following term is defined:
1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.
- C. Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries. A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any medical marijuana business, collective, cooperative or dispensary in the City.

SECTION 4. This ordinance shall become effective immediately upon its adoption and remains in effect for 45 days or until such time the ordinance is extended.

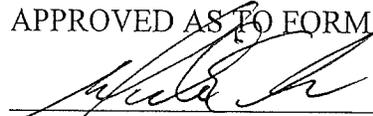
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

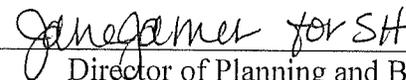


City Attorney *MW.*

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:



Director of Planning and Building