

## Minutes

### City Council/Public Financing Authority Regular Meeting Successor Agency Special Meeting City of Huntington Beach

Tuesday, January 21, 2020  
4:00 PM - Council Chambers  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

A video recording of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk, and archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)

#### 4:00 PM - COUNCIL CHAMBERS

#### CALL TO ORDER — 4:00 PM

#### ROLL CALL

Present: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
Absent: None

#### ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

(Received After Agenda Distribution) — None

#### PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) — None

#### RECESSED TO CLOSED SESSION – 4:01 PM

A motion was made by Posey, second by Peterson to recess to Closed Session for Items 2 - 7. With no objections the motion passed.

#### CLOSED SESSION ANNOUNCEMENT(S)

1. **20-1342 Mayor Semeta announced:** Pursuant to Government Code § 54957.6, the City Council shall recess into Closed Session to meet with its designated labor negotiator: Oliver Chi, City Manager and Peter Brown; also in attendance: Travis Hopkins, Assistant City Manager and Robert Handy, Chief of Police, regarding the following: Municipal Employees' Association (MEA); Management Employees' Organization (MEO); Police Officer's Association (POA); Police Management Association (PMA); Marine Safety Management Association (MSMA) Surf City Lifeguard Employees' Association (SCLEA) and Non-Associated.

**CLOSED SESSION**

2. **20-1352 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following Workers' Compensation Claims:**
  - a. **Cormac O'Connell v. City of Huntington Beach; Workers' Comp. Case Nos. COHB-11-0005; COHB-16-0309; and COHB-17-0266.**
  - b. **Bernard Atkins v. City of Huntington Beach; Workers' Comp. Case No. COHB-18-0040.**
  - c. **Gary Kim v. City of Huntington Beach; Workers' Comp. Case No. COHB-16-0098.**
  - d. **Larry Pitcher v. City of Huntington Beach; Workers' Comp. Case No. COHB-15-0196.**
  - e. **Richard Spencer v. City of Huntington Beach; Workers' Comp. Case No. COHB-19-0003.**
  - f. **Estella Miranda v. City of Huntington Beach; Workers' Comp. Case No. COHB-12-0242.**
  
3. **20-1333 Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiator: Oliver Chi, City Manager and Peter Brown; also in attendance: Travis Hopkins, Assistant City Manager and Robert Handy, Chief of Police, regarding the following: Municipal Employees' Association (MEA); Management Employees' Organization (MEO); Police Officer's Association (POA); Police Management Association (PMA); Marine Safety Management Association (MSMA) Surf City Lifeguard Employees' Association (SCLEA) and Non-Associated.**
  
4. **20-1330 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: HBPOA and Yasha Nikitin v. City of Huntington Beach, et al.; OCSC Case No.: 30-2019-01093906.**
  
5. **20-1331 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Rosier (Maliek) v. City of Huntington Beach, et al.; USDC Case No.: SACV 18-2175 DOC (DFMx).**
  
6. **20-1332 Pursuant to Government Code §54956.9(d)(2), the City Council recessed into Closed Session to confer with the City Attorney regarding potential litigation. Number of cases, four (4).**
  
7. **20-1343 Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: City of Huntington Beach v. State of California (SB 54); OCSC Case No. 30-2018-00984280.**



**6:00 PM - COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALLED TO ORDER A SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH — 6:00 PM**

**ROLL CALL**

Present: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
Absent: None

**PLEDGE OF ALLEGIANCE** — Led by Councilmember Peterson

**INVOCATION**

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

- 8. 19-1203 Pastor Nader Hanna of Faith Lutheran Church of Huntington Beach and member of the Greater Huntington Beach Interfaith Council**

**CLOSED SESSION REPORT BY CITY ATTORNEY**

In the matter of the City of Huntington Beach v. State of California (SB 54), OCSC Case No. 30-2018-00984280, City Attorney Michael Gates provided background and reported that by a vote of 5-2 (Hardy, Carr – No), he received Council authorization to file an appeal of the case with the California Supreme Court.

**AWARDS AND PRESENTATIONS**

- 9. 19-1245 Mayor Semeta called on Victoria Alberty for the "Adoptable Pet of the Month"**

Victoria Alberty of Waggin' Trails Rescue Foundation introduced Gisela Campagne, the Founder of Waggin' Trails, and Toby, a 1 - 2 year old, very calm, quiet and friendly dog of unknown breed mix. More information on Toby can be found at [www.ozzieandfriendsrescue.org](http://www.ozzieandfriendsrescue.org), or [www.waggintrails.org](http://www.waggintrails.org).

- 10. 20-1347 Mayor Semeta presented a commendation to Visit Huntington Beach President & CEO Kelly Miller and staff to recognize and celebrate the organization's 30 years of destination brand marketing and promotion of Surf City USA as a global destination**

President and CEO Miller introduced as a group the Visit Huntington Beach staff, and provided a few historical facts from the last 30 years. He further explained the financial impact to the City's General Fund from the non-Orange County visitors who come each year due to the efforts of Visit Huntington Beach to make Huntington Beach a destination city.

- 11. 20-1327 Mayor Semeta kicked off her "Making a Difference in Huntington Beach" Awards Program by giving her first award to the volunteers of the Secret Garden and the HB Tree Society**

Mayor Semeta explained her vision in creating the award, and why she selected the honorees for this first award. She encouraged residents to make nominations for future awards by following the protocol as outlined on the City's website, and invited recipients to join her.

Jean Nagy, Volunteer Director of the HB Tree Society thanked City staff and volunteers for supporting their efforts to enhance various City parks. She recognized the merits of Annie Anderson, Cheryl Johnson, Lauren Carroll and Cat Henderson who were unable to attend the meeting, in addition to student volunteers and their parents.

Juana Mueller, Volunteer Manager at Secret Garden, welcomed anyone wishing to volunteer efforts to enhance various City parks.

Secret Garden Volunteers honored: Juana Mueller, Betty Reinertson, Craig Goldenson, Keleigh Rosas, Gary Thomas, Shari Engel and Steve Engel.

HB Tree Society Volunteers honored: Jean Nagy, Annie Anderson, Shirley Knopf, Shelia Holiday, Cheryl Johnson, Leslie Gilson, Steve Campbell, Cat Henderson, Dwight Dodd, Susie Dodd, Mary Leboeuf, Gail Altmari-Brown, Loren Carroll, and Mimi Irvin.

**12. 19-1244 Mayor Semeta called on Dawn McCormick of Timeless Treasures Boutique who presented a donation to the Waggin' Trails Rescue Foundation**

Dawn McCormick of Timeless Treasures Boutique presented a check for \$1,250 to Gisela Campagne, Founder of Waggin' Trails, in support of their rescue work. Ms. Campagne thanked Ms. McCormick for the continued support, and announced that May 3, 2020, is the date for the upcoming Wags and Wine fundraising event at the Paséa Hotel.

**13. 19-1224 Mayor Semeta called on players and coaches from the Marina High School Varsity Football Team to recognize them as CIF Champions**

Coach Jeff Turley thanked the City Council for recognizing the team, and described their hard work and accomplishments. Commendations were distributed, and photographs with Council were taken.

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS**

(Received After Agenda Distribution) — None

**PUBLIC COMMENTS (3 Minute Time Limit)**

*The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.*

Tony Bisson, a resident of Huntington Beach, was called to speak and shared his personal experiences related to neighborhood parking violations on street sweeping days. (00:31:56)

Jose Castaneda, representing Climate Action Campaign, was called to speak and shared comments on Community Choice Energy options which could provide the opportunity for local control and energy



savings, and asked that City Council allow Climate Action Campaign to share educational information throughout the process so that an informed decision can be made on this issue. (00:35:04)

Ranjeet Singh was called to speak and shared his experience of many vehicles parking across the walkway in his neighborhood, but it appears that only his tenants are getting parking violation tickets. Mayor Semeta asked Mr. Singh to complete a blue card for staff follow up. (00:37:45)

Jim Nowaczewsky, a resident of Huntington Beach and representing Kee Safety, was called to speak and shared his opinions regarding an anodized aluminum product as being superior to wood for the Bluff Top railing project. (00:40:45)

Jill Gorski was called to speak and asked for an amendment to the code that controls the number of animals allowed on a property, and distance restrictions. Mayor Semeta asked Ms. Gorski to complete a blue card for staff follow-up. (00:43:50)

Ben was called to speak, and presented his ideas for several additional parks within the City. (00:46:30)

Natalie Moser, a resident of Huntington Beach and Chair of the Human Relations Task Force, was called to speak and announced the inaugural Cultural Cinema Showcase, to be held on Thursday, February 6, 6:30 pm, at the HB Senior Center, and described a number of activities sponsored by the Human Relations Task Force to build and celebrate diversity in the community. (00:49:09)

Teresa Carlisle, member of the Huntington Beach Art Center Artist Council, was called to speak and stated that 2020 is the 25th Anniversary of the Huntington Beach Art Center, and announced the next exhibition, Centered on the Center, January 25 through February 29, with an Opening Reception on Saturday, January 25; and Art for Lunch on Thursday, February 13, 11:30 to 1:30 at the Art Center. (00:51:14)

Brent Nichols, owner of the dental business next door to the 3<sup>rd</sup> Street Commercial Building project, was called to speak and stated his opposition to Public Hearing Item No. 19-1205 regarding the appeal for the 3rd Street Commercial Building project, because of the expected increased negative impact to an existing parking problem in that area. (00:52:36)

#### **COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS, AB 1234 REPORTING, AND OPENNESS IN NEGOTIATIONS DISCLOSURES**

Councilmember Peterson reported attending a meeting of the Sanitation District regarding the Groundwater Replenishment System (GWRS).

Councilmember Carr reported attending the West Orange County Water Board meeting where Mayor Pro Tem Hardy was re-elected as the Water Board Chair; attending the Environmental Board meeting as Council Liaison where there are two (2) Board openings; and attending the Youth Board meeting, and announced the Youth In Government Day will be March 17. She also reported meeting with the Huntington Beach Police Officers' Association (POA).

Councilmember Posey reported attending the December meetings of the Orange County District Vector Control Board where he was elected as Vice President, Mosquito Vector Control, and Orange County Parks Commission where a new chair was elected for the Fourth District; and reported meeting with the

Huntington Beach Police Officers' Association (POA), and speaking with the Huntington Beach Firefighters' Association.

Councilmember Brenden reported meeting with the Huntington Beach Police Officers' Association (HBPOA).

Councilmember Delgleize reported attending a meeting of the Orange County Transit Authority, and meeting with Congressman Alan Lowenthal regarding the Orange County flood plain and effect on Huntington Beach.

## **CITY MANAGER'S REPORT**

### **14. 20-1351 Ascon Landfill Site Update**

Assistant City Manager Travis Hopkins presented a brief slide presentation that reiterated that clean-up efforts have stopped, described connection of the fire hydrant on Magnolia Street to an onsite water tower, stated continued inspection and maintenance of stormwater management measures, and stated the City's ongoing contact with a third party technical advisor.

### **15. 20-1356 City Manager Chi provided an update on Councilmember Brenden and Peterson's September 16, 2019 request that staff return to Council with Ordinance(s) related to Sober Living Homes**

City Manager Chi described staff progress on the initial draft ordinance using Costa Mesa as a model and discussed collaboration between the City Attorney and Community Development departments on establishing provisions scheduled for review by the Planning Commission in February/March, and finalized by Council in April.

City Manager Chi also announced issuance of a Request for Proposal (RFP) for the International Surf Museum that will remain open until February 13, 2020.

## **CONSENT CALENDAR**

### **16. 19-1248 Approved and Adopted Minutes**

A motion was made by Peterson, second Posey to approve and adopt the City Council/Public Financing Authority regular meeting minutes and the special meetings of the Housing Authority, Parking Authority and Successor Agency dated December 16, 2019, as written and on file in the office of the City Clerk.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

### **17. 20-1325 Annual Review of the City Code of Ethics**



A motion was made by Peterson, second Posey to direct the City Clerk to record in the official minutes that the City Code of Ethics was presented to the City Council, City Manager, Chairpersons, and City Department Directors for their review and distribution as required by Resolution No. 2016-73.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**18. 20-1344 Received and filed the monthly status update on the 6th cycle Regional Housing Needs Assessment process**

A motion was made by Peterson, second Posey to receive and file the monthly Regional Housing Needs Assessment (RHNA) process status update.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**19. 19-1296 Approved appointments to the Huntington Beach Human Relations Task Force (HRTF) as recommended by City Council liaisons Mayor Pro Tem Hardy and Councilmember Brenden**

A motion was made by Peterson, second Posey to approve the reappointments of Natalie Moser and Vashia Rhone for terms to expire December 31, 2023, as recommended by City Council liaisons Hardy and Brenden; and, approve the appointments of Ashley Dos Santos, Antonio Benitez, and Hemesh Patel for terms to expire December 31, 2021, as recommended by City Council liaisons Hardy and Brenden; and, approve the appointments of Rhonda Bolton, Teresa Carlisle and Timothy Stuart for terms to expire December 31, 2023, as recommended by City Council liaisons Hardy and Brenden.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**20. 19-1291 Authorized use of existing on-call construction management/inspection contracts with Wallace and Associates, Consulting, Inc., Vali Cooper and Associates, Inc., and Dudek for City related projects**

A motion was made by Peterson, second Posey to authorize the use of existing on-call construction management/inspection contracts with Wallace and Associates, Consulting, Inc., Vali Cooper and Associates, Inc., and Dudek for any City related projects and activities including those in the approved CIP.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

**21. 20-1321 Adopted Resolution No. 2020-08 to accept and approve the Development Impact Fee Report for Fiscal Year 2018-19 and Make Government Code Section 66006 and 66001 Findings**

A motion was made by Peterson, second Posey to adopt Resolution No. 2020-08, "A Resolution of the City Council of the City of Huntington Beach to accept and approve the Development Impact Fee Report for Fiscal Year Ending June 30, 2019 and to make the Findings as required by Government Code Section 66006(b) and 66001(d)."

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**22. 19-1277 Approved and authorized execution of two Landscape Maintenance Agreements with the State of California Department of Transportation (Caltrans) for Pacific City Retail and Paséa Hotel for Maintenance of Landscape Improvements within the State Highway Right of Way on Pacific Coast Highway (PCH)**

A motion was made by Peterson, second Posey to approve and authorize the Mayor and City Clerk to execute and record the "Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach" for the Pacific City Retail project (Attachment 1); and, approved and authorized the Mayor and City Clerk to execute and record the "Landscape Maintenance Agreement Within State Highway Right of Way on Route 1 Within the City of Huntington Beach" for the Paséa Hotel project (Attachment 2).

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**23. 20-1328 Approved and authorized execution of Amendment No. 1 to Agreement with Waymakers to authorize a one-year contract extension and additional compensation of \$114,509 for management of the Victim and Witness Assistance Services Program; and, approved grant fund appropriation**

A motion was made by Peterson, second Posey to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement Between the City of Huntington Beach and Community Service Programs, Inc. (Waymakers) for Victim and Witness Assistance Services;" and, approve appropriation of \$114,509 contingent upon grant funding provided by the California Office of Emergency Services, and increase professional services authority for the commensurate amount.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None



**24. 19-1285 Approved and authorized execution of an Amendment to a Memorandum of Understanding with the Orange County Transportation Authority and the cities of Fountain Valley and Costa Mesa to extend the deadline for completion of street improvements associated with the potential removal of the Garfield/Gisler crossing of the Santa Ana River**

A motion was made by Peterson, second Posey to approve and authorize the Mayor to execute "Amendment No. 1 to Memorandum of Understanding C-6-0834 among Cities of Costa Mesa, Fountain Valley and Huntington Beach and Orange County Transportation Authority Regarding Agency Responsibilities for Implementing the Consensus Recommendation for the Garfield-Gisler Bridge Crossing over the Santa Ana River."

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

**25. 19-1290 Approved and authorized execution of a Memorandum of Understanding (MOU) Between the City of Huntington Beach and SC Cleaning Specialist for the Installation and Maintenance of Marina Trash Skimmer at 16011 Santa Barbara Lane**

A motion was made by Peterson, second Posey to approve and authorize the Mayor and City Clerk to execute the "Memorandum of Understanding (MOU) between the City of Huntington Beach and SC Cleaning Specialist for the Installation and Maintenance of Marina Trash Skimmer(s) in Huntington Harbour," (16011 Santa Barbara Lane).

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

**26. 20-1346 Approved the appointment of Scott Haberle to the position of Fire Chief, and authorized the City Manager to execute the employment agreement**

A motion was made by Peterson, second Posey to approve and authorize the City Manager to execute the "Employment Agreement between the City of Huntington Beach and Scott Haberle" for the position of Fire Chief.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden

NOES: None

City Manager Chi thanked the Council for approving the appointment of Mr. Haberle to the position of Fire Chief, and being a part of the process for selecting the new Fire Chief.

Mr. Haberle expressed his appreciation and gratitude for this opportunity to serve Huntington Beach.

**27. 19-1249 Adopted Resolution No. 2020-01 authorizing the Director of Public Works to submit application(s) and administer the Used Oil Payment Program (UOPP) for Eligible CalRecycle Grants; and, appropriate funds**

A motion was made by Peterson, second Posey to adopt Resolution No. 2020-01, "A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Submit Application(s) and Administer the Used Oil Payment Program for Eligible CalRecycle Grants;" and, appropriate \$54,699 to used Used Oil OPP grant fund account 96066046.69505.

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**28. 20-1299 Adopted Resolution No. 2020-02 approving the submittal of an application to the Orange County Transportation Authority (OCTA) for funding under the Project V Community-Based Transit/Circulators Program**

A motion was made by Peterson, second Posey to adopt Resolution 2020-02 "A Resolution of the City Council of the City of Huntington Beach approving the submittal of the Project V application to the Orange County Transportation Authority for funding under the Project V Community-Based Transit/Circulators Program."

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**29. 20-1301 Adopted Successor Agency Resolution Nos. 2020-02 and 2020-01 approving the Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Huntington Beach Successor Agency for the period of July 1, 2020, through June 3, 2021, in accordance with Health and Safety Code Section 34177 and related actions**

A motion was made by Peterson, second Posey to adopt Resolution No. 2020-01, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Successor Agency Administrative Budget for the Period July 1, 2020, through June 30, 2021;" and, adopt Resolution No. 2020-02, "A Resolution of the Successor Agency to the Redevelopment Agency of the City of Huntington Beach Approving the Recognized Obligation Payment Schedule for the Period July 1, 2020 - June 30, 2021 ('ROPS 20-21')."

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None



## **PUBLIC HEARING**

### **30. 19-1170 Public Hearing Continued Open from December 16, 2019 to consider Zoning Text Amendment No. 19-002 (Huntington Beach Zoning and Subdivision Ordinance Update) by approving for introduction Ordinance Nos. 4193, 4194, 4195, 4196, 4197, 4198 and 4199**

Community Development Director Ursula Luna-Reynosa introduced Associate Planner Nicole Aube who presented a PowerPoint communication entitled *Zoning Text Amendment No. 19-002* with slides titled: *Purpose and Background, Request, Vehicle Storage, Residential Privacy Design Standards, Parking & Parking Structures, Miscellaneous Cleanup, ZTA No. 2019-002 Analysis, and Planning Commission and Staff Recommendation.*

Councilmember Peterson and staff discussed that existing legal and permitted storage facilities throughout the City will be grandfathered in unless they make any changes, or violations are reported, that would require a review. Those situations would require meeting the new standards.

Mayor Semeta announced the continued open Public Hearing for Item No. 30.

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced there was no supplemental communications received by her office following distribution of the Council Agenda packet, and no one had signed up to speak.

Mayor Semeta closed the Public Hearing.

A motion was made by Hardy, second Posey to find Zoning Text Amendment No. 19-002 exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act (Attachment No. 1); approve Zoning Text Amendment No. 19-002 with findings (Attachment No. 1) and after the City Clerk reads by title, approve for introduction:

Ordinance No. 4193, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance Titled R Residential Districts (Zoning Text Amendment No. 19-002);"

Ordinance No. 4194, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Titled Definitions (Zoning Text Amendment No. 19-002);"

Ordinance No. 4195, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance Titled Use Classifications (Zoning Text Amendment No. 19-002);"

Ordinance No. 4196, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance Titled Off-Street Parking and Loading Provisions (Zoning Text Amendment No. 19-002);"

Ordinance No. 4197, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 19-002);"

Ordinance No. 4198, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance Titled I Industrial Districts (Zoning Text Amendment No. 19-002);" and,

Ordinance No. 4199, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance Titled C Commercial Districts (Zoning Text Amendment No. 19-002);" (Attachment Nos. 3 - 9).

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

**31. 19-1205 Denied Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 (3rd Street Commercial Building)**

Community Development Director Ursula Luna-Reynosa introduced Associate Planner Jessica Bui who presented a PowerPoint communication entitled: *3rd Street Commercial Building Appeal* with slides titled: *Project Request, Subject Site, Site Plan, Parking, Parking Design: 1st Floor, Parking Design: 2nd Floor, Parking Plan, General Plan & Zoning Compliance, PC Meeting - November 12, 2019, Appeal, and City Council Action.*

Councilmember Posey confirmed with staff that the Planning Commission agrees that this project complies with the Downtown Specific Plan (DTSP), that no variances, nor parking in-lieu fees, were requested, the applicant did not provide any queuing studies or documentation, and parking elevators are not new technology.

Mayor Semeta and Associate Planner Bui discussed queuing dimensions, which are not currently addressed in the Huntington Beach Code, and briefly reviewed requirements from other area cities, and confirmed that this project does not have a dedicated queuing area.

Councilmember Carr confirmed with Associate Planner Bui that queuing is not permitted on any public right-of-way.

Director Luna-Reynosa stated that the project does meet the number of parking spaces required per Code in an unconventional manner; however, tandem and parking management through valet service is conditionally allowed.

Councilmember Posey confirmed with Director Luna-Reynosa that hotels cannot queue onto the street and must have adequate on-site space.

Mayor Semeta opened the Public Hearing for Item No. 31.



Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications received by her office following distribution of the Council Agenda packet:

**#31. 19-1205** Communication submitted by Donald Slaven regarding the 3rd Street Commercial Building.

**#31. 19-1205** PowerPoint communication entitled *3rd Street Commercial Building Appeal, 321 3rd Street, CDP 19-001 & CUB 19-001*.

Public Hearing – 7 speakers

Bob McMahon was called to speak and shared his concerns about the size of this project, stated his opinion that more architectural detail is needed for the building, and he would like to see more details on how this building will appear in relation to the existing surrounding environment rather than just the front elevation which was presented. (01:40:30)

Jeff Bergsma, project applicant and architect, was called to speak and clarified that during the design review process there will be 3D renderings and consideration of adjacent properties. Mr. Bergsma also reviewed the parking plan and stated in his view queuing is accommodated by the 14 spaces at ground level, plus the 5 spaces in the drive aisle in conjunction with staggered worker shifts. Regarding concerns about delivery truck space, Mr. Bergsma stated that this project has a much larger alley set-back than currently exists, and his understanding that delivery trucks should use the designated space on Main Street. (01:42:37)

Richard Raskin, Parking Consultant for Project, was called to speak and stated that in his professional opinion the parking plan presented will prevent the need for queuing. He also stated that the tenant will allow staggered employee start times from 7 to 9 a.m. so that staff vehicles will not arrive all at the same time.

Mayor Pro Tem Hardy and Mr. Raskin discussed that at least one valet will remain on the premises until the last employee has left for the day, or the valet can leave the key with the employee with instructions for elevator operation; and arrangements can be made for an employee who needs to occasionally start their day unusually early. (01:45:52)

Bob Bolen, a long-time resident and business owner of the building behind this project, was called to speak and stated his opposition to this project. He shared his concerns about current deliveries for neighboring businesses in that alley all day long, and believes that a four-story building surrounded by one- and two-story buildings is out of place. He further stated his opinion that the project does not meet the "intent" of the Downtown Specific Plan regarding compatibility with the surrounding area, and that no one has addressed the issue of alley traffic at lunch time. (01:49:39)

Brent Nichols, owner of a next door business, was called to speak and stated his concerns regarding the parking plan which he believes will negatively impact an already congested alley. He recommended that a parking study be completed before this project is approved. (01:52:59)

Bill Collins, representing the Property Manager, was called to speak and stated that Property Management is interested in dialogue to address neighbor concerns to make this project work. He also stated that executive employees usually eat lunch at Main Street restaurants, normally do not leave in



their cars during the day, and that they also have the option to park at the Promenade. He added that the Planning Commission unanimously approved this project, and he asked that Council do the same. (01:54:41)

Keith Bohr, representing the Property Owner, was called to speak and shared slides of area street views and described area deliveries and vehicles during the 7 - 9 a.m. time frame to document the lack of vehicle congestion. He further stated that in reality most employees will want the Promenade parking permit which will further reduce the number of vehicles parking at the project site. Mr. Bohr expressed a desire to be a good neighbor with a project that meets code, and brings more people to the Downtown District. (01:56:41)

There being no more speakers, Mayor Semeta closed the Public Hearing.

Councilmember Peterson and staff discussed queuing concerns and staff confirmed that queuing in the drive aisle would block ground level parking spaces and the parking elevator. Councilmember Peterson stated he is not convinced that staggered work times would solve alley parking concerns, and believes that queuing should happen on the property, or another parking system should be developed.

Councilmember Posey described various scenarios regarding parking to support his opinion there will be no parking problems.

Councilmember Carr expressed her concern that no one has addressed the issue of ground level parking for customers. All vehicles needing to park will not belong to employees. She asked why ways to minimize queueing are being discussed when queueing is not allowed, and suggested that if the building was smaller, queueing might be possible on the property. Councilmember Carr would like to see a parking feasibility study completed for this project, and she cannot support a project which stipulates that employees must stagger their starting times to make it work.

Councilmember Delgleize would like to see queuing only in the garage, and stated support for Councilmember Carr's comments regarding a parking study and the possibility of reducing the building size.

Councilmember Posey asked why there is concern about queueing in the alley when delivery trucks are already doing that, rather than parking on Main Street.

Councilmember Brenden and Keith Bohr discussed that the developer looked at the lot size and then determined how best to maximize the space without variances and special permits. Mr. Bohr stated that per code, access must be from the alley vs. 3rd Street, and stated the height of the subterranean level is 9 feet. Councilmember Brenden and Planner Bui discussed tandem parking and that it is not defined in the City's code, but staff generally defines it as one car parked in front of another, rather than one above another.

Planner Bui explained that the plan meets the Circulation Element which allows for shared parking or other creative parking arrangements that optimize other available parking areas, and compatibility is defined in terms of land use, architectural design of neighboring buildings, scale, and character.

Councilmember Brenden asked how this project meets the compatibility test when the building is larger than any of the neighboring buildings. Director Luna-Reynosa explained that land use is the primary



criteria, and stated that compatibility is very subjective criteria, and added that the Council has the right to disagree with the previous findings and articulate the changes they would like to see.

Councilmember Brenden stated that he believes this project should not be approved with stipulations or conditions that may not apply in the future to another tenant, such as staggered shifts for employees, nor does he support "government" making such stipulations.

Mayor Semeta stated that many of her concerns have already been discussed, including Councilmember Brenden's comments that the project has to work many years in the future as she is concerned about approving conditions for current situations which may not be feasible for future or new tenants. She stated that in her opinion this plan is an "experiment" which she is not comfortable supporting.

Mayor Pro Tem Hardy stated her concerns about parking, mechanics of parking elevator reliability in moist beach air, compatibility scale and size of the project, and conditions or variances which are specific to the current tenant but probably will not work long-term for future businesses.

Councilmember Posey asked, and Mr. Bohr confirmed, that the project meets all Downtown Specific Plan criteria, and the Planning Commission approved the plan 6/0/1 (one absence). He stated his support for this project because he doesn't see any data that supports the concerns being discussed.

Councilmember Peterson stated his opinion that while the project may meet the letter of the law, he had concerns about compatibility with residential and two-story neighbors. Director Luna-Reynosa described three criteria required to approve or deny a Conditional Use Permit (CUP), and that Council could deny if any one criteria was not met. Councilmember Peterson stated that he felt the project did not meet the first criteria, i.e., establishment, maintenance and operation of the use will not be detrimental to the general welfare of persons working or residing in the vicinity, nor detrimental to the value of the property and improvements in the neighborhood. Stating his opposition, he made a motion to deny the project based on its inability to meet the first criteria. Mayor Semeta the seconded his motion.

In response to Councilmember Delgleize, Director Luna-Reynosa repeated the two additional CUP criteria: the granting of the CUP will not adversely affect the General Plan; and, the proposed use will comply with the provisions of the base district and other applicable provisions in Titles 20 through 25, and any specific condition required for the proposed use in the district in which it would be located. Councilmember Delgleize stated that in her opinion the building is too big for the immediate neighborhood.

Councilmember Posey confirmed with Councilmember Peterson that the motion on the table is to deny Item 31 B), the Coastal Development Permit No. 19-001, and Conditional Use Permit No. 19-001 based on Conditional Use Permit criteria 1.

The motion made by Peterson, second Semeta to deny Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 based on inability to meet Conditional Use Permit criteria 1, carried by the following vote:

AYES: Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: Posey

## **ORDINANCES FOR INTRODUCTION**

### **32. 19-1289 Approved for introduction Ordinance No. 4202, which amends Chapter 13.54 of the Huntington Beach Municipal Code regarding specific events to prohibit weapons at parades and protests**

Chief Handy briefly described the background for the ordinance, described local protest events that have caused public discourse, and described weapons of various sorts that have been found and confiscated. Chief Handy explained they worked with other cities in Orange County to come up with this ordinance to expand the definition of specific events and weapons, and to allow officers to take proactive action as opposed to waiting for an incident to happen. Chief Handy further stated that the objective is to enhance public safety and officer protection while people exercise their free speech rights.

Councilmember Peterson thanked the Chief and City Attorney for including the carry a concealed weapon (CCW) permit clause.

Chief Handy explained that people with a CCW permit are trained, they are licensed, and they know and agree to the rules.

Councilmember Carr confirmed with Chief Handy that an American Flag can be carried, but it must be on a hollow plastic pole vs. wood, which could be used as a weapon.

A motion was made by Peterson, second Delgleize to after the City Clerk reads by title, approve for introduction Ordinance No. 4202, "An Ordinance of the City of Huntington Beach Amending Chapter 13.54 Regarding Specific Events to Prohibit Weapons at Parades and Protests."

The motion carried by the following vote:

AYES: Posey, Delgleize, Hardy, Semeta, Peterson, Carr, and Brenden  
NOES: None

## **COUNCILMEMBER COMMENTS (Not Agendized)**

Councilmember Peterson congratulated American Legion Post 133 for the 100th Birthday Gala event and donation received from Tee It Up for the Troops to benefit the Veterans' Resource Center.

Councilmember Carr reported attending the 20th Annual Surf City Splash, the Huntington Beach Fire Academy Graduation, and the California Commission on Aging meeting in Sacramento.

Councilmember Delgleize reported attending a Santa Ana Watershed meeting, and a town hall meeting with Congressman Harley Rouda. Councilmember Delgleize announced her appointment of Chris Morrow to the Finance Commission replacing Charlie Bunten, and thanked Mr. Bunten for his service over the last five years. She also briefly explained a current project of Be Well OC that is working with the Orange County Health Agency to remove the stigma of mental illness.



Councilmember Brenden reported he will be participating in the Superbowl Sunday Surf City Run half marathon, represented the City for the Chamber of Commerce Ribbon Cutting ceremony for the Ashley Homestore Grand Opening, and took a business tour of Vispero which provides products to provide greater accessibility for visually impaired individuals.

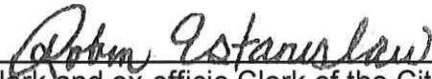
Councilmember Posey reported he and City Manager Chi worked with County Supervisor Michelle Steele to deliver an update on Opportunity Zones, an investment program which allows for deferment of capital gains for ten years.

Mayor Semeta reported attending the 20th Annual Surf City Splash; provided the welcoming comments for the HBFD Fire Academy Graduation Ceremony; presented HB pins to nearly 200 students and teachers from Tianjin, China visiting Hawes Elementary School, hosted by the Huntington Beach School District; congratulated Hawes Elementary School for receiving the Distinguished School Award this year; and meeting with Congressman Rouda and City Manager Chi to discuss priorities for federal funding for Huntington Beach.

**ADJOURNMENT — 8:54 PM**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, February 3, 2020, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND  
STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT  
<http://www.huntingtonbeachca.gov>

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the City Council  
of the City of Huntington Beach and Secretary of  
the Public Financing Authority of the City of  
Huntington Beach, California

**ATTEST:**

  
\_\_\_\_\_  
City Clerk-Secretary

  
\_\_\_\_\_  
Mayor-Chair