



## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

THE CITY OF SIGNAL HILL  
WELCOMES YOU TO A REGULAR  
PLANNING COMMISSION MEETING  
June 20, 2017

The City of Signal Hill appreciates your attendance. Citizen interest provides the Planning Commission with valuable information regarding issues of the community. Meetings are held on the 3<sup>rd</sup> Tuesday of every month.

Meetings commence at 7:00 p.m. There is a public comment period at the beginning of the regular meeting, as well as the opportunity to comment on each agenda item as it arises. Any meeting may be adjourned to a time and place stated in the order of adjournment.

The agenda is posted 72 hours prior to each meeting on the City's website and outside of City Hall and is available at each meeting. The agenda and related reports are available for review online and at the Community Development office and the Signal Hill Community Center on the Friday afternoon prior to the Commission meeting. Agenda and staff reports are also available at our website at [www.cityofsignalhill.org](http://www.cityofsignalhill.org).

During the meeting, the Community Development Director presents agenda items for Commission consideration. The public is allowed to address the Commission on all agenda items. The Chair may take agenda items out of order and will announce when the period for public comment is open on each agenda item. The public may speak to the Commission on items that are not listed on the agenda. This public comment period will be held at the beginning of the public portion of the meeting. You are encouraged (but not required) to complete a speaker card prior to the item being considered, and give the card to a City staff member. The purpose of the card is to ensure speakers are correctly identified in the minutes. However, completion of a speaker card is voluntary, and is not a requirement to address the Commission. The cards are provided at the rear of the Council Chamber. Please direct your comments or questions to the Chair.

Planning Commission Members are compensated \$125.00 per meeting.

(1) CALL TO ORDER – 7:00 P.M.

(2) ROLL CALL

COMMISSIONER BROOKS  
COMMISSIONER FALLON  
COMMISSIONER PARKER  
COMMISSIONER RICHÁRD  
COMMISSIONER WILSON

(3) PLEDGE OF ALLEGIANCE

(4) PUBLIC BUSINESS FROM THE FLOOR ON ITEMS NOT LISTED ON THIS AGENDA

(5) OATHS OF OFFICE

- a. Commission Secretary Scott Charney will administer the Oath of Office for newly appointed Planning Commissioners.

(6) REORGANIZATION

- a. Annually at this time, the Commission selects members to serve one-year terms as Chair and Vice Chair. The current Chair is Devon Austin, and the Vice Chair is Shannon Murphy. Commission Secretary Scott Charney will call for nominations for Chair, and once seated the Chair will call for nominations for Vice Chair to serve the 2017/18 term of office.

(7) COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- a. Director's Report – Selection of the Sustainable City Committee Planning Commission Representative and Alternate

Summary: For the past two years, Tom Benson has served as Planning Commission representative on the Sustainable City Committee (SCC). Jane Fallon has served as the alternate. Both have devoted many hours attending SCC monthly meetings, community events, and SCC field trips. Pursuant to SCC rules, the two-year terms for both members expire on June 30, 2017. Accordingly, the Commission is asked to consider nominations and select a representative and alternate. The current alternate is eligible for reappointment.

Recommendation: Select a representative and an alternate to attend SCC meetings.

b. Director's Report – Solicitation of Nominations for Future Beautification Awards

Summary: Beautification Awards are given by the Planning Commission to commercial or residential properties which have completed exterior upgrade projects. Properties are nominated by Commissioners or the general public, and award recipients are chosen by the Commission. Awards are presented by the Chair of the Planning Commission. There are currently no nominations under consideration.

Recommendation: Provide nominations to Staff.

c. Director's Report – Study Session on the Development Status Report

Summary: Staff will be presenting a series of Director's Reports, one per meeting, over the next few months, to inform the Planning Commission about tools and procedures to assist with their duties. The first in the series will be a review and description of item 8c on the agenda, the Development Status Report (DSR).

Recommendation: Receive and file.

(8) CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Items will be acted upon by the Commission at one time without discussion. Any item may be removed by a Commissioner or member of the audience for discussion.

a. Minutes of the Following Meeting

Regular Meeting of May 16, 2017.

Recommendation: Approve.

b. City Council Follow-up

Summary: Attached for review is a brief summary of the City Council's actions from the last City Council meeting.

Recommendation: Receive and file.

c. Development Status Report

Summary: Attached for review is the monthly Development Status Report which highlights current projects.

Recommendation: Receive and file.



d. In the News

Summary: Attached for review are articles compiled by staff that may be of interest to the Commission.

Recommendation: Receive and file.

(9) COMMISSION NEW BUSINESS

COMMISSIONER BROOKS  
COMMISSIONER FALLON  
COMMISSIONER PARKER  
COMMISSIONER RICHÁRD  
COMMISSIONER WILSON

(10) ADJOURNMENT

Adjourn tonight's meeting to the next regular meeting to be held Tuesday, July 18, 2017 at 7:00 p.m. in the Council Chambers located at City Hall.

CITIZEN PARTICIPATION

If you need special assistance beyond what is normally provided to participate in City meetings, the City will attempt to accommodate you in every reasonable manner. Please call the City Clerk's office at (562) 989-7305 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.



*June*

**5a.**





## **CITY OF SIGNAL HILL**

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: OATHS OF OFFICE FOR APPOINTED COMMISSIONERS**

### **Summary:**

At its meeting on May 23, 2017, the City Council appointed Carmen Brooks, Victor Parker and Christopher Wilson to serve on the Planning Commission (terms to expire on 5/31/2021). Accordingly, the three Commissioners will take the Oath of Office and assume their duties.

### **Recommendation:**

Administration of the Oaths of Office will be conducted by the Secretary of the Planning Commission.

*June*

**6a.**







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June 20, 2017

### **AGENDA ITEM**

**TO: MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: REORGANIZATION**

### **Summary:**

Annually at this time, the Commission selects members to serve one-year terms as Chair and Vice Chair. Commission Secretary Scott Charney will call for nominations for Chair, and once seated the Chair will call for nominations for Vice Chair to serve the 2017/18 term of office.

### **Recommendation:**

Proceed with the reorganization according to the attached procedures.

The following procedures will be used for Commission reorganization:

1. The Chair turns the meeting over to the Commission Secretary who presides over the nomination of the new Chair.
2. The Commission Secretary indicates that "Nominations are now in order for the Chair of the Planning Commission."
3. Any member of the Commission may nominate any member for Chair; no second is required.
4. The Commission Secretary states, "Commissioner \_\_\_\_\_ has been nominated. Are there any further nominations for Chair?" The Commission Secretary repeats each nomination in this way until all nominations are made.
5. When it appears no one else wishes to make a nomination, the Commission Secretary again states, "Are there any further nominations for Chair? If there are no further nominations, the nominations are closed." No waiting for a motion to that effect.
6. After completion of the nominations, the Commission Secretary may provide each nominee with an opportunity to speak regarding their qualification for the position.
7. The Commission Secretary shall then conduct a roll call vote for the selection of Chair, asking each member to vote for the nominee of his or her choice. The vote shall be conducted in alphabetical order.
8. The Commission Secretary then declares the result of the election. The nominee receiving a majority vote of the Commission shall be declared the new Chair.
9. After selection of the new Chair, the Commission Secretary turns the meeting over to the newly elected Chair who is given an opportunity to make any remarks, which he or she may wish to make upon entering office.
10. The new Chair then presides over the selection of the Vice Chair, calling for nominations and conducting the vote as with the selection of the Chair.
11. The new Vice Chair is also given an opportunity to make any remarks which they may wish to make upon entering office.

*June*

**7a.**







## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY *SC*  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR'S REPORT – SELECTION OF THE SUSTAINABLE CITY  
COMMITTEE PLANNING COMMISSION REPRESENTATIVE AND  
ALTERNATE**

### **Summary:**

For the past two years, Tom Benson has served as Planning Commission representative on the Sustainable City Committee (SCC). Jane Fallon has served as the alternate. Both have devoted many hours attending SCC monthly meetings, community events, and SCC field trips. Pursuant to SCC rules, the two-year terms for both members expire on June 30, 2017. Accordingly, the Commission is asked to consider nominations and select a representative and alternate. The current alternate is eligible for reappointment.

### **Recommendation:**

Select a representative and an alternate to attend SCC meetings.

*June*

**7b.**





## CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY   
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR'S REPORT – SOLICITATION OF NOMINATIONS FOR  
FUTURE BEAUTIFICATION AWARDS**

### **Summary:**

Beautification Awards are given by the Planning Commission to commercial or residential properties which have completed exterior upgrade projects. Properties are nominated by Commissioners or the general public, and award recipients are chosen by the Commission. Awards are presented by the Chair of the Planning Commission. There are currently no nominations under consideration.

### **Recommendation:**

Provide nominations to Staff.

### **Background and Analysis:**

The last award given was to 2199 East Willow Street, Crisell + Associates. It was presented at the May 16, 2017 meeting of the Planning Commission. At this time, Staff is soliciting nominations for awards to be given over the next several months. Please see the attached nomination form for more details (Attachment A). Nominations from the public are also welcome (Attachment B).







## CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

### PLANNING COMMISSION BEAUTIFICATION AWARD NOMINATION FORM

I hereby nominate the following Signal Hill property for a City of Signal Hill Planning Commission Award:

Property Address: \_\_\_\_\_

Contact name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Email: \_\_\_\_\_ Date: \_\_\_\_\_

.....  
**Category:**

☐ Small business      ☐ Residential      ☐ Large development      ☐ Commercial/industrial

**Reasons for nomination:**

- ☐ **Building Exteriors** – Remodel, upgrade or renovation making use of quality materials and finishes; use of architectural details.
- ☐ **Walls, Fences, and Gates** – New or replacement of fence or wall making use of quality materials, enhancing overall aesthetics
- ☐ **Landscape** – New or replacement of landscaping making use of a variety of plants, use of color, healthy and well-trimmed, well maintained.
- ☐ **Maintenance** – Clean, free of trash, fresh paint, well kept property.
- ☐ **Other** (circle an example or explain below) – upgrades appearance of neighborhood; repair/rehabilitation of historic site; creative re-use of vacant site or building; mitigates safety problem (e.g., landscape graffiti-covered wall).

\_\_\_\_\_  
\_\_\_\_\_  
Email to: [ComDevelopment@cityofsignalhill.org](mailto:ComDevelopment@cityofsignalhill.org) or mail to  
City of Signal Hill, Attn: Community Development, 2175 Cherry Avenue, Signal Hill, CA 90755  
You will be contacted regarding the status of the nomination.  
For more information, please call (562) 989-7340.

Attachment A



## **The City of Signal Hill Planning Commission Beautification Award Nominations**

Please help us recognize properties that have made improvements in:

- New Landscaping
- Upgrades to Fences or Gates
  - New Paint
- Exterior Remodeling

Nominations can be either commercial or residential property.

To submit a nomination:

Email the property address and your reason for the nomination to [Comm\\_Dev@CityofSignalHill.org](mailto:Comm_Dev@CityofSignalHill.org),

or call (562) 989-7340.

*June*

**7c.**







## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN  
SENIOR PLANNER**

**SUBJECT: DIRECTOR'S REPORT – STUDY SESSION ON THE DEVELOPMENT  
STATUS REPORT**

### **Summary:**

Staff will be presenting a series of Director's Reports, one per meeting, over the next few months, to inform the Planning Commission about tools and procedures to assist with their duties. The first in the series will be a review and description of item 8c on the agenda, the Development Status Report (DSR).

### **Recommendation:**

Receive and file.

### **Background and Analysis:**

The DSR is a document prepared by Community Development to assist the Commission, City Council, the public, and Staff in tracking the progress of development projects through the entitlement process. With many projects in different stages, it is helpful to have a centralized over-view that is updated monthly. Staff will highlight key elements of the DSR for the Commission.

Each month the DSR will be included in the agenda (see item 8c). The DSR is separated into project categories as follows:

- Commercial-Industrial;
- Auto Center Vehicle Storage;
- Auto Center Dealership Improvements;

- Wireless Communication Facilities (WCFs); and
- Residential.

The DSR is organized to provide the following:

- Project location or address;
- Project description and required entitlement (site plan design review, conditional use permit, zoning ordinance amendment, etc.);
- Name of applicant;
- Required reviewing body (Director, Commission and, or Council);
- Expiration dates for approved entitlements; and
- Monthly status (from submittal of application through build-out and certificate of occupancy).

*June*

**8a.**





## CITY OF SIGNAL HILL

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June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY *SC*  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: MINUTES**

### **Summary:**

Attached for your review and approval are the minutes of last month's regular meeting.

### **Recommendation:**

Approve.



**A REGULAR MEETING OF THE CITY OF SIGNAL HILL  
PLANNING COMMISSION  
May 16, 2017  
7:00 P.M.**

**CALL TO ORDER**

Chair Austin called the meeting to order at 7:00 p.m.

**ROLL CALL**

The Commission Secretary conducted roll call.

Present:      Chair Devon Austin  
                 Vice Chair Shannon Murphy  
                 Commissioner Tom Benson  
                 Commissioner Jane Fallon  
                 Commissioner Rose Richárd

Staff present:

- 1)      Community Development Director Scott Charney
- 2)      Senior Planner Colleen Doan
- 3)      Assistant Planner Ryan Agbayani
- 4)      Assistant City Attorney Elena Gerli
- 5)      Senior Engineering Technician Anthony Caraveo
- 6)      Administrative Assistant Phyllis Thorne

In addition, there were 24 people in attendance.

**PLEDGE OF ALLEGIANCE**

Chair Austin led the audience in reciting the Pledge of Allegiance.

**PUBLIC BUSINESS FROM THE FLOOR**

Mike Blasedell, owner of Blue Cat Auto located at 2340 Orange Avenue, spoke regarding being negatively impacted by the Orange Avenue Overlay District. He requested a variance to allow him to tear-down and expand his non-conforming property.

## **PRESENTATION**

### **a. Beautification Award**

The Planning Commission presented a Beautification Award for the property at 2199 East Willow Street. Neither the property owner nor a representative was able to attend the meeting to accept the award.

## **PUBLIC WORKSHOPS**

### **a. Single-Family Dwelling at 1900 Temple Avenue**

Commissioner Richárd recused herself and took a seat as a member of the audience due to a potential conflict as she resides within 300 feet of the proposed project site. Senior Engineering Technician Anthony Caraveo also recused himself for the same reason.

Senior Planner Colleen Doan gave the staff report.

The applicant, Phala Chhean, introduced himself to the Planning Commission. Furthermore, he clarified that the “fake” window displayed where the garage is located was created for aesthetic purposes to maintain symmetry.

Commissioner Benson asked for clarification on if the future proposed solar panels went into consideration when evaluating the maximum height of the residence. Furthermore, he asked a question regarding how the address was assigned to the property. Staff replied that addresses are assigned by the Building and Safety Department.

Commissioner Murphy gave some feedback on adding more variety to the design to create a break in the mass and size of the proposed structure.

Commissioner Fallon recommended the implementation of more architectural features and added that the landscape plan should incorporate more variety.

Commissioners Benson and Austin noted that the floor plans and general site plan appear to be good. However, there is some opportunity for change.

Several Commissioners asked the applicant to work with Staff to add design elements to the home that would improve the exterior aspect. The Commission instructed staff to work with the applicant to refine the plans before moving to a Public Hearing.

### **b. Revised Plans and New Specific Plan for Courtyard Residential Project**

Commissioner Richárd recused herself and took a seat as a member of the audience due to a potential conflict as she resides within 300 feet of the proposed project site.

Senior Engineering Technician Anthony Caraveo also recused himself for the same reason.

Senior Planner Colleen Doan gave the staff report.

The applicant (Brad Hilgren) and property owner (John from United Anglers) introduced themselves to the Planning Commission. They expressed that in their view, they have satisfied concerns raised by neighbors, and that their project should move forward in the planning process.

Commissioner Benson noted to the applicant that the maintenance of the project site is sorely lacking, and needs to be addressed. Both Brad and John acknowledged the trash on the property and John stated he would set funds aside to get the trash issue resolved. Commissioner Benson also spoke strongly in favor of the applicant meeting personally with concerned neighbors regarding view analysis results.

Alin Chitanu, a resident of the Temple View Condos, voiced concerns about loss of privacy and loss of views. He recommended lowering the elevation of the north units.

Commissioners Murphy and Fallon spoke in favor of the revised plans. They commended the applicant for reducing the number of units. Commissioner Murphy asked the applicants to modify the view photos to reflect the roof pitch.

The Commission directed staff to move the project to a Public Hearing.

c. Consideration of a Zoning Ordinance Amendment to Allow Indoor Soccer Facilities in the LI, Light Industrial, Zoning District and a Conditional Use Permit to Allow Outbreak Soccer to Operate at 2953 Obispo Avenue

Commissioner Richárd rejoined the Commission, and Senior Engineering Technician Anthony Caraveo rejoined City staff.

Senior Planner Colleen Doan gave the staff report.

Tom Merrick, property manager for the Hurley Family, David Hurley, son of the property owner, and Mike Biddle, business owner of Outbreak Soccer, introduced themselves to the Planning Commission. They explained that they have altered some business practices in response to neighbor complaints. They have changed lighting, shortened the hours during which exterior doors are open, and changed the exit route from the building after games.

Commissioners inquired about the building, the targeted clientele, the types of sporting events, other outreach programs (e.g. Mommy and Me soccer), and how the company would respond to future complaints. Commissioners acknowledged that there have been less complaints under Outbreak Soccer than under the previous operator.



Kevin Laney, a Signal Hill resident, spoke in favor of the facility, stating that it benefits the youth of the city.

The Commission instructed Staff to bring a Zoning Ordinance Amendment and Conditional Use Permit to a future Planning Commission meeting.

## **PUBLIC HEARING**

- a. One Year Extension of Conditional Use Permit 97-03 for Seven Consolidated Drill Sites Owned and Operated by Signal Hill Petroleum Inc.

Vice Chair Murphy recused herself and took a seat as a member of the audience due to a potential conflict as she resides within 300 feet of one of the project sites.

Senior Planner Colleen Doan gave the staff report.

Commissioner Benson asked for clarification about the connection of the CUP to future development.

It was moved by Commissioner Fallon and seconded by Commissioner Richárd to waive further reading and adopt the following resolution as recommended:

Assistant City Attorney Elena Gerli read the title of Resolution No. 800-05-17:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A ONE YEAR EXTENSION OF CONDITIONAL USE PERMIT 97-03, COVERING SEVEN EXISTING CONSOLIDATED DRILLING SITES WITH OIL AND GAS STORAGE, PROCESSING, AND SHIPPING OPERATIONS, AND A GAS TURBINE FACILITY

The following vote resulted:

AYES: CHAIR AUSTIN; COMMISSIONERS BENSON, FALLON AND RICHÁRD

NOES: NONE

ABSENT: NONE

ABSTAIN: VICE CHAIR MURPHY

Motion carried 4/0.



## **COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS**

- a. Modifications to Exterior Lighting at Long Beach Honda Auto Dealership Located at 1500 E. Spring Street Within the SP-4, Auto Center Specific Plan, Zoning District

Assistant Planner Ryan Agbayani gave the staff report.

Commissioners asked for details about the style of light fixture, the energy use, and the availability.

Fred Angiuli, General Manager of Long Beach Honda, introduced himself to the Commission. He noted that sales have increased under the new management, and that the new light fixtures are part of upgrading the dealership. The change in lights would follow instructions from Honda Corporation, as part of its branding initiative. He also noted that the existing poles are not as sturdy as the poles that would be installed.

Staff recommended that the Auto Center lighting standards be upheld, but that the fixtures be modified to use Light Emitting Diodes (LED).

The Commission voted 5/0 to uphold the existing Auto Center lighting design standard but allow for LED conversion.

## **CONSENT CALENDAR**

It was moved by Commissioner Benson and seconded by Vice Chair Murphy to receive and file Consent Calendar.

The motion carried 5/0.

## **COMMISSION NEW BUSINESS**

Commissioner Richárd proposed changes to the procedures regarding future elections (e.g. noticing and alternative accommodations for both applicants and voters).

Commissioner Benson expressed concern with potential traffic issues from the upcoming opening of Browning High School (City of Long Beach jurisdiction). Furthermore (in response to Long Beach MINI painting the exterior of their building), he proposed that the Planning Commission review all changes to auto dealerships within the Signal Hill Auto Center. Lastly, he made an announcement that Signal Hill Rotary will be doing a production titled "Unsung Heroes" on July 9.

## **ADJOURNMENT**

It was moved by Commissioner Richárd and seconded by Vice Chair Murphy to adjourn to the next regular meeting of the Planning Commission to be held on Tuesday, June 20, 2017, at 7:00 p.m., in the Council Chamber of City Hall, 2175 Cherry Avenue, Signal Hill, CA, 90755.

The motion carried 5/0.

Chair Austin adjourned the meeting at 10:03 p.m.

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Chair

Attest:

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Scott Charney  
Commission Secretary

*June*

**8b.**





## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY   
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: CITY COUNCIL FOLLOW-UP**

### **Summary:**

Below for your review is a brief summary of the City Council's actions from the last two Council meetings.

### **Recommendation:**

Receive and file.

### **Background and Analysis:**

- 1) At the May 23, 2017 City Council Meeting:
  - The City Council appointed Carmen Brooks, Victor Parker, and Chris Wilson to the Planning Commission.
  - The City Council appointed Terry Rogers and Debra Russell to the Parks and Recreation Commission.
  - The City Council appointed David Hopper to the Civil Service Commission.
- 2) At the June 13, 2017 City Council Meeting:
  - Building Inspector John Hartley gave a presentation on Building Safety Month.
  - Building Official Paul Armstrong introduced Ordinance Amendment 17-01, amending Title 15 revising regulations for Buildings and Construction.
  - The City Council approved a one-year extension of CUP 97-03.



*June*

**8c.**





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June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY *SC*  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DEVELOPMENT STATUS REPORT**

### **Summary:**

Attached for your review is the monthly Development Status Report which highlights current projects.

### **Recommendation:**

Receive and file.

**City of Signal Hill  
Community Development Department  
Development Status Report  
June 20, 2017**

**Commercial-Industrial**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR/CUP</b>			<b>CTL</b>			<b><u>Status</u></b>
			<b><u>Director approval</u></b>	<b><u>PC approval</u></b>	<b><u>CC approval</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	
2355 Walnut Avenue	Proposal for new 9,976 sf warehouse and office building  Applicant: Roger Vititow	Administrative Review  <input checked="" type="checkbox"/> WELO req.	Required	N/A	N/A	Required						Revised preliminary plans were submitted for planning review. Plan review is pending completion of the well discovery and leak test. Discovery was completed and survey document has been received. An agent for the applicant has indicated they would soon be proceeding with the project (4/17).  CTD/JH
2200 E. Willow St.	Amendment to CUP 13-01 to extend the gas station hours of operation from 5 am to 10 pm seven days a week  Applicant: Costco Wholesale	Amendment to CUP  <input type="checkbox"/> WELO req.	N/A	7/15/15	Required							Community meeting held (2/15).  Planning Commission public hearing on 7/14/15.  Staff continues to work with the applicant and the property management company to create a permanent plan to address on-site circulation issues (3/17).  CTD
3201 California Ave.	Abandoned well leak testing and WAR review	Administrative Review  <input type="checkbox"/> WELO req.	N/A						N/A			Methane leak tests completed and approved. Three Well Abandonment Reports (WARs) have been approved. (5/16).

**City of Signal Hill  
Community Development Department  
Development Status Report  
June 20, 2017**


**Commercial-Industrial**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR/CUP</b>			<b>CTL</b>			<b><u>Status</u></b>
			<b><u>Director approval</u></b>	<b><u>PC approval</u></b>	<b><u>CC approval</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	
SHP Inc.	Applicant: SHP Inc.											Applicant has indicated development plans are on hold (6/16).  CTD/JH
1400 Spring St.  City of SH Successor Agency	In preparation future auto related development two WARs have been submitted for review  Applicant: City Successor Agency	Administrative Review  <input type="checkbox"/> WELO req.	N/A						N/A			Methane leak tests completed and approved.  Two WARs have been submitted and approved, but no project is pending at this time (7/16).  CTD/JH
2953 Obispo Ave.	A request to allow indoor soccer as a conditionally permitted use in the City.	ZOA CUP  <input type="checkbox"/> WELO req.	N/A	Required	Required							Deposit submitted to begin coordination of workshops w/HOAs (7/14).  Applicant has requested to temporarily postpone request (12/14).  Applicant has submitted an application for a ZOA to allow the indoor soccer use and a CUP to operate at the subject location. A workshop was conducted at the May PC mtg. Staff will schedule visits, research parking standards, and prepare for a second neighborhood meeting in preparation of a zoning



**City of Signal Hill  
Community Development Department  
Development Status Report  
June 20, 2017**

**Commercial-Industrial**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR/CUP</b>			<b>CTL</b>			<b><u>Status</u></b>
			<b><u>Director approval</u></b>	<b><u>PC approval</u></b>	<b><u>CC approval</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	
Futsal Indoor Soccer	Applicant: Mike Biddle											ordinance amendment and CUP for the use (6/17).  CTD
1136 Willow St.	Application for a ZOA to allow brewing and tasting rooms w/allowance for food trucks in industrial zones.	ZOA 16-04 CUP 16-02 <input type="checkbox"/> WELO req.	N/A	6/21/16	7/12/16	Building Permit Issued: 11/28/16			5/22/18 			Planning Commission workshop held 5/17/16 to discuss the ZOA and CUP.  City Council approved on 7/12/16, and the ordinance became effective on 8/25/16.  Building permit issued on 11/28/16. Underground plumbing complete, awaiting delivery of equipment for installation (4/17).  Equipment arrived. Plumbing installation completed and inspected.  Anticipated opening to the public on July 29, 2017 (6/17).  CTD/JH
Micro-brewery ZOA/CUP	Applicant: Daniel Sundstrom											
2750 Rose Avenue	Application for a CUP to allow vehicle body repair and painting as an Auto Center accessory use	CUP 16-03 <input type="checkbox"/> WELO req.	N/A	11/15/16	12/13/16							Planning Commission recommended approval on 11/15/16 and City Council approved on 12/13/16. Outdoor storage was removed. The draft parking covenant was submitted for review by legal counsel (6/17).  CTD
Collision and auto body repair CUP	Accessory Dealership: Mercedes Benz Applicant: Class Auto Center Inc.											

**City of Signal Hill  
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**Commercial-Industrial**

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**Business Licenses and Permit Summary**

- Planning Department staff reviewed and approved 8 business licenses.
- Building Department staff issued 18 permits including 5 residential solar permits. The valuation of the projects is approximately \$387,000 with permit revenues at \$3,322.

**Training/Tours/Events**

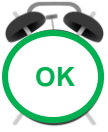
- On June 6, 2017, staff and the Sustainable City Committee (SCC) toured the EDCO transfer and recycling facility, received a brief presentation from EDCO staff on green waste and future improvements at the center and held the remainder of the SCC mtg. in the conference room on site.
- A Mayors Clean-up event was held on June 10, 2017. The base camp and refreshments were donated by Signal Hill Petroleum Inc.

**Ongoing / Upcoming Projects**

- Vacant Parcel Ordinance (scheduled for July PC).
- Oil Well Inspections.
- Density Bonus Ordinance Amendment.
- The City Attorney, City Manager, and city staff continue to meet with SHP regarding a master development agreement for future projects citywide.
- Dog Park ZOA 16-01 and General Plan Amendment 16-01 (schedule yet to be determined).

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Auto Center Vehicle Storage

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	Term I				Term II	<u>Status</u>
			<u>Term</u>	<u>Submit Permanent Improvement Plan</u>	<u>Review/ Approve Permanent Improvement Plan</u>	<u>Extension</u>	<u>Install Permanent Improvements</u>	
1250 28 <sup>th</sup> Street	Auto Center Vehicle Storage Yard  Property Owner: SHP Applicant: Honda	Permanent Improvement Terms	Expires 8/12/19	Tentatively 4/2017	PC Review Required No later than 8/12/17 	Optional 1 year	TBD	<ul style="list-style-type: none"><li>• Deposit payment was paid (8/16).</li><li>• Business license was issued (8/16).</li><li>• Compliance Plan approved w/final edits (9/16).</li><li>• Non-oil field related storage removal is still pending and staff have inquired about the removal time frame (4/17).</li><li>• Following the recent rainfall, a plan to improve stormwater BMP's was developed and installation of improvements is pending (5/17)</li><li>• SHP has indicated that they will likely not be extending the lease for the property and therefore will not be preparing a permanent improvement plan (6/17)</li></ul> CTD

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**Auto Center Dealership Improvements**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR/CUP</b>			<b>CTL</b>			<b><u>Status</u></b>
			<b><u>Director approval</u></b>	<b><u>PC approval</u></b>	<b><u>CC approval</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	<b><u>Expires</u></b>	<b><u>1<sup>st</sup> Ext.</u></b>	<b><u>2<sup>nd</sup> Ext.</u></b>	
1500 E. Spring Street	<b>Honda Expansion Revision:</b>  A request to make improvements at the existing auto dealership, including: <ul style="list-style-type: none"> <li>• 802 sf showroom addition;</li> <li>• 262 sf office area addition;</li> <li>• 1,300 sf service dept. write-up area; and</li> <li>• New facade treatment and signage.</li> </ul> Applicant: Goree Architects for Long Beach Honda	SPDR 17-02  <input type="checkbox"/> WELO req.	N/A	3/22/17	N/A							Application and plans for a Site Plan & Design Review received on 2/7/17. Project is scheduled for a PC public hearing on 2/21/17.  The previous 2/21/17 approval was rescinded. A new application with revised plans was approved by the PC on 3/22/17.  Applicant submitted plans for building plan check on 4/4/17. Both Building and Planning plan checks were completed on 5/9/17.  The applicant submitted for a modified exterior lighting plan (of rectangular fixtures) on 4/20/17 and went to public hearing on 5/16/17.  During the Public Hearing, the Planning Commission upheld the existing standard of rounded light fixtures. The rectangular fixtures proposed by Honda were denied (6/17).  RA



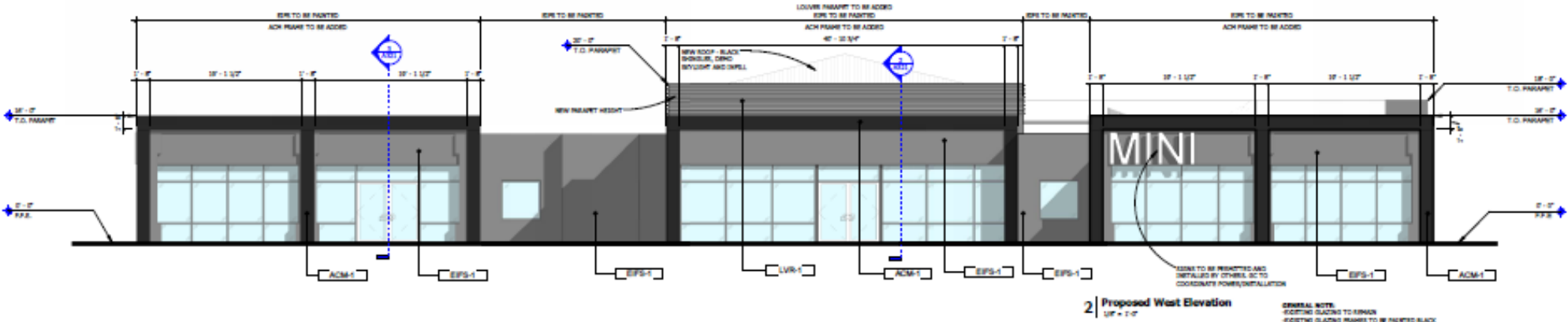
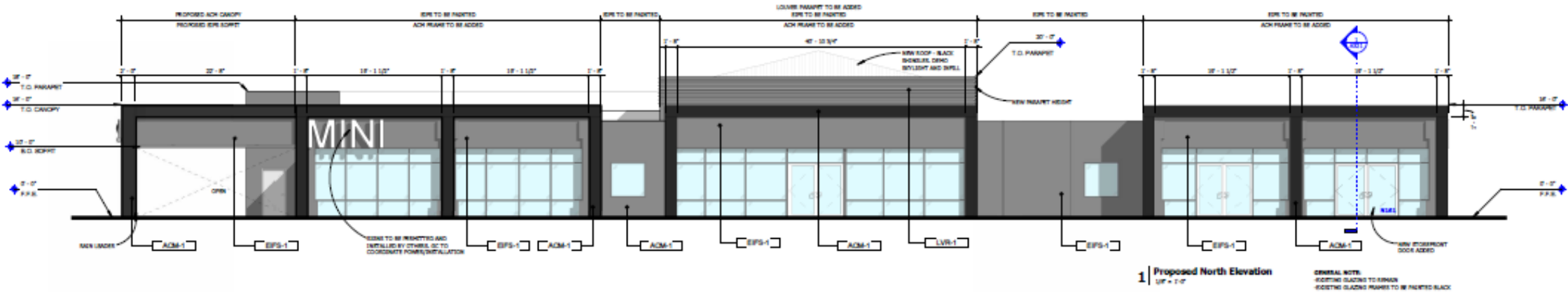
### Auto Center Dealership Improvements

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**Auto Center Dealership Improvements**

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1 <sup>st</sup> Ext.	2 <sup>nd</sup> Ext.	Expires	1 <sup>st</sup> Ext.	2 <sup>nd</sup> Ext.	



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**Wireless Communication Facilities**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR</b>			<b>CTL</b>			<b><u>Status</u></b>
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2411 Skyline Dr.	<p>A request to add 2 new Tower Dishes and 3 Antennas, to the Cell Tower as allowed by CUP 99-05 (Cal. Internet).</p> <p>A request to add structural modifications was reviewed by City consultants and approval is pending payment of the developer deposit and an estimate of the structural to equipment capacity for the CUP allowed equipment additions (Crown Castle).</p> <p>A request to add 10 Micro Wave dishes is incomplete pending an updated equipment audit and compliance with the Master Operating Agreement (MOP) with Long Beach.</p> <p>Applicant: Crown Castle</p>	Administrative to add equipment allowed under CUP 99-05	✓	N/A	N/A	Building permit issued 2/5/16						<p>Updated equipment/tenant audit was received.</p> <p>Plans approved for Cal Internet additional equipment as allowed under the CUP. A request to add tower shoring is pending and will require an amendment to the CUP (1/16).</p> <p>Building permit issued for additional equipment on 2/5/16 and structural modification on 2/25/16. Structural work is complete, fence and gate have been painted and landscape clean-up work is pending. Due to removal of Long Beach tower property fence, site is accessible to the public. A letter was sent to Crown Castle and a site visit with Crown Castle was conducted on 9/14/16. A gate has been installed to secure the area. (9/16).</p> <p>Revised plans for Telepacific equipment have been approved and bldg. permits have been issued (6/17).</p> <p>CTD/JH</p>


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**Wireless Communication Facilities**

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1855 Coronado rooftop facility	Six 6' high panel, 9 RRUs antennas, new hybrid cables and larger screen boxes screen the equipment  Applicant: Core Dev.	Administrative to modify CUP 08-03	✓	N/A	N/A							Plans ready for permit issuance, applicant notified on 5/16 and 9/16.  Third reminder sent (1/17).  CTD
2525 Cherry Avenue	Removing and replacing the 3 existing antennas  Applicant: Core Dev. for Sprint	Administrative to modify CUP 02-01	✓	N/A	N/A							Building permit ready for issuance 1/26/16.  Reminders sent to applicant for permit issuance on 3/16, 7/16, 9/16, and 12/16.  Final reminder sent notifying the applicant that the plans will expire on 1/25/17.  Building permit issued on 1/13/17. Work not completed (6/17).  CTD/JH
2201 Orange Avenue	Remove 3 existing antennas and replace them with 3 antennas which are the same size and shape  Applicant: Crown Castle for T-Mobile	Administrative to modify 07-04	✓	N/A	N/A							Building permit issued on 12/7/16.  CTD/JH

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**Residential**

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2518 Willow St.	New front entry electronic gate w/stone veneer pilasters, update guard shack  Applicant: Willow Ridge Homeowners Association	Administrative Review  <input type="checkbox"/> WELO req.	✓	N/A	N/A	Building Permit Issued 6/2/16						Building permit issued 6/2/16.  Retaining wall was not constructed per plans. Contractor was ordered to reconstruct 3 times (9/16).  Guard shack framing completed (10/16).  Work is progressing slowly for the new front entry gate (5/17).  Front gate installed and inspected. Landscaping being installed (6/17).  CTD/JH
2016 E. 19 <sup>th</sup> St	441 sf addition for a new bedroom, new bathroom and new detached 2-car garage to an existing single-family dwelling  Applicant: Miguel Munoz	Administrative Review  <input type="checkbox"/> WELO req.	✓	N/A	N/A	Building Permit Issued: 11/21/16			11/21/17 			Building plans approved (12/16).  Building permit issued 11/21/16.  Foundation and framing complete (5/17).  Stucco and drywall being installed (6/17).  CTD/JH



## Residential

2


**Residential**

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3

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**Residential**

<b><u>Address</u></b>	<b><u>Project Description</u></b>	<b><u>Application</u></b>	<b>REVIEW</b>			<b>SPDR</b>			<b>CTL</b>			<b><u>Status</u></b>
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1995 St. Louis Ave.	Demolish existing dwelling and garage and construct a two story 3,072 sf SFD with attached 3-car garage	SPDR 15-04 <input checked="" type="checkbox"/> WELO req.	N/A	8/11/15	N/A	Demo Permit Issued 4/1/16  Grading Permit Issued 4/27/17			9/28/16 (Demo finalized)  10/19/18 			Demolition permit pulled on 4/1/16. Demolition started (5/16). Demo permit finalized on 8/31/16.  Building plans are approved. Issuance pending completing all COAs (1/16). Landscape plans are approved (3/16).  Methane assessment approved, no barrier required (12/16).  Grading permit issuance is pending Public Works receiving the street improvement bond (2/17).  Grading permit issued on 4/27/17. CTL expires on 10/19/18. Notices need to be sent (5/17).  On 5/15/17, Kimberly contacted the office to inform us that she would like to relocate bedroom #3 from the first floor to the second floor. Staff informed her that this change cannot be approved administratively, but must go to a public hearing at the Planning Commission level. To date, staff has not gotten direction from the homeowner

## Residential


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**Residential**

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**Large Subdivisions (5 or more lots) and Multi-family Developments**

Crescent Square	25 three-story detached single-family dwellings at the N/E corner of Walnut and Crescent Heights Street on a 3.18-acre lot	SPDR 14-04 ZOA 14-03 VTTM 72594  <input checked="" type="checkbox"/> WELO req.	N/A	8/12/14	9/2/14	Grading Permit Issued 8/29/16			8/14/19 			Clearing and grubbing and vent cone permit issued (6/16). Vent cones were installed. Models and conformity package reviewed at 7/19/16 PC. Final Map to City Council on 8/23/16. Grading is in process (10/16). Geogrid wall and retaining wall completed (12/16). Methane barrier plans, building plans, landscape plans are approved (12/16). 2 Model home permits issued on 12/7/16 and grading and construction are underway (1/17). Model homes are expected to be completed early 2017. Framing of the 2 model homes started, methane barrier permits for all 25 homes issued (3/17). Stucco and siding started, and drywall complete, on model homes. Underground utilities being installed for rest of project (4/17). Models are nearly complete. Cabinetry is installed. Flooring is being installed (5/17).  Model construction complete. Model landscaping being installed. Foundations in progress for rest of homes (6/17)
Walnut/ Crescent Heights St.	Applicant: Far West Industries											CTD/JH



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Zinnia (formerly Gundry Hill)	72 multiple-family, affordable units, three and four stories in height and a community building, community garden, tot lot and courtyard with on-site management on a 1.61- acre lot	Administrative Review (SPDR 15-01)  <input checked="" type="checkbox"/> WELO req.	Approved 2/18/15	N/A	N/A	Building Permit Issued 11/30/15			11/09/19 			Demolition completed 10/21/15. On-site grading started (1/16). Underground plumbing and foundation completed (9/16). Building 1 rough plumbing and electrical completed (10/16). Framing for all three buildings are 90% completed, roofing started. Contractor has requested to exchange some exterior materials (1/17). Staff met with the contractor and made the determination that the new materials are comparable to the previously approved materials and approved the changes (2/17). Underground utilities are being installed (3/17).  Exterior finishes being applied to building one (5/17).  Building one completion date is end of July (6/17).
1500 E Hill St.	Applicant: Meta Housing											JH/SC
1939 Temple Avenue	Residential development on a .6-acre lot for 10 condominium units (5 buildings with 2 attached units) two stories and three stories in height.	SPDR 16-02 TTM 74232 ZOA 16-03 (new Specific Plan)  <input type="checkbox"/> WELO req.	N/A	5/17/16	Required							2 wells discovered, leak tested and vent cones installed (8/15). View Notice mailed 10/26/15. Planning Commission (PC) workshop #1: 12/15/15. View Notice for revised plans mailed 2/17/16. PC workshop #2: 3/15/16.

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	SP-21, Courtyard Residential Specific Plan to deviate from current RH zoning for 3-stories height and a reduced front and rear setback.											<p>PC public hearing: 5/17/16.</p> <p>At the 6/28/16 City Council (CC) meeting, CC continued the ZOA to the 9/13/16 CC meeting. New story poles were installed (10/16). Neighborhood meeting held on 10/10/16.</p> <p>The CC held a study session on 12/13/16 and recommended denial without prejudice of ZOA at the next CC meeting. At that time the applicant indicated they would like to make additional revisions.</p> <p>On 1/10/17 City Council denied the project without prejudice, which means a new project can be submitted without a 1 year waiting period. The applicant intends to submit a new project with 2-story bldgs. that meet the maximum height requirement. As preparation for the new submittal, a neighborhood meeting was conducted to review the plan revisions. Following the meeting four new view analyses have been requested and are pending.</p> <p>New plans and application were submitted on 3/16/17 and the view analysis was received 4/10/17. A PC workshop was conducted on 5/16/17. The PC directed the</p>

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The Courtyard	Applicant: High Rhodes Property Group											applicant to clean-up and maintain the site, revise the story pole ribbons to match the roof pitch and revise the view report photos to be more clear, deliver and review the view reports with the residents, respond the workshop questions from the public per bldg.. heights and revise plans per staff direction (6/17).  CTD/SC
2599 Pacific Coast Highway	Residential SP-10 on a .4-acre lot  1 <sup>st</sup> concept plan had 14 attached units  2 <sup>nd</sup> concept plan had 12 attached units  3 <sup>rd</sup> concept plan had 10 detached units  4 <sup>th</sup> concept plan has 9 detached units	Preliminary review  PC Workshop 8/14/12  PC Workshop 9/9/14  SPDR  <input type="checkbox"/> WELO req.	N/A	Required	Required							Staff met w/owner who reported an unsuccessful lot consolidation outreach effort (9/12). A revised design (10 units) more closely meets the intent of SP-10. Access & guest parking revised (6/14). PC requested additional design changes. Plan revised to 9 units & met most of the standards. Some buildings still exceed height limit. Condo map and story pole plan were submitted and view analysis request letter was sent 4/1/16. Due to delays of story pole installation, viewing period was extended 4/14/16. Story poles were installed and comments received. A view analysis report was prepared & reviewed with residents. Due to impacts on views, the applicant further reduced bldg. heights however, most still exceed the 30' height limit. The City Engineer

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												<p>completed review of the on-site sewer conditions and will require repair and certification by the County for construction over the line. Review of the revised view report is complete a story pole cert has been submitted.</p> <p>Due to a fire on-site a code enforcement case was opened to verify the bldg. is fire safe and not being occupied as a residence and site clean-up items are required. Final inspections are pending (3/17).</p> <p>A neighborhood mtg. was held 2/23/17 and nearby residents and property owners noted that 6/9 of the bldgs. are over the height limit and blocking views. Concerns were voiced about traffic, the density of the project, and parking and traffic impacts on an already impacted neighborhood and alley. The applicant was instructed to meet with the neighbors and develop options to revise the project. The applicant has not revised the project and has requested a meeting to discuss how to proceed. Staff prepared a detailed memo following the meeting regarding project deficiencies and past Council direction on a similar project. The applicant has</p>

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	Applicant: Mike Afiuny											submitted a revised site plan with 1 less unit and reduced bldg. heights on several bldgs. However, 5/8 units still exceed max. bldg. height and may still block views. Staff reiterated to the applicant that they should not expect approval under these circumstances and will route plans to the City Traffic Engineer to address parking and traffic impact concerns and some indicated they will redesign (6/17). CTD



*June*

**8d.**





## CITY OF SIGNAL HILL

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2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

June 20, 2017

### **AGENDA ITEM**

**TO: HONORABLE CHAIR  
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY *SC*  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: IN THE NEWS**

### **Summary:**

Articles compiled by Staff that may be of interest to the Commission include:

- City Policies, Infrastructure Boost Electric Vehicle Sales
- Cultivating Stronger Connections with the Natural World
- Food and Beverage Sector Gains Ground in Shopping Centers
- Land-Use Policies and Planning in the Wake of Rising Sea Levels
- New Hampshire Greenlights Granny Flats Statewide
- Old Containers Find Out-of-the-Box Second Lives
- The Mall of the Future Will Have No Stores
- Urban Ambience Puts Shoppers in the Mood
- Zoning and ADA Compliance

### **Recommendation:**

Receive and file.





Fifty-four percent of the nearly 115,000 new electric vehicles registered in 2015 came from California, where five metro areas top a list of 50 major U.S. cities for the number of their EV-friendly policies and actions, according to a recent report from the International Council on Clean Transportation.

## City Policies, Infrastructure Boost Electric Vehicle Sales

**I**F YOU HAVEN'T NOTICED electric cars on your local streets, you soon might. U.S. sales grew 37 percent in 2016, according to industry tracker InsideEVs.com, and got off to a roaring start with a 41 percent increase in sales in January. Declining costs and proliferating choices—more than 30 models are now available—suggest that EVs will rapidly expand their market share, which last year was just 1.13 percent of all new passenger vehicles in the U.S.

Federal and state tax incentives encouraged sales growth, but so did other government policies, including installation of charging stations, says a report by the International Council on Clean Transportation, which examined the 50 most populous metro areas, where 82 percent of EVs are bought (and 52 percent of Americans live).

Increased consumer choice, which is abundant in coastal California, is one driving factor in sales trends. Around 9.5 percent of new car purchases in San Jose were EVs—the nation's highest adoption rate. Consumers there had at least 18 electric models to choose from and around 20 EV dealers within 100 miles.

Local policies that deliver perks to EV drivers can be another factor. San Jose, for example, gives EV drivers free parking at

select facilities, parks, and on-street parking meters, says Cheryl Wessling of San Jose's Planning, Building & Code Enforcement Department. Many metro areas also grant EV drivers access to high-occupancy vehicle lanes, even when driving solo; that's worth \$2,400 annually in Los Angeles, which ranks third, behind San Francisco and San Jose, among metropolitan areas in the total number of actions to promote EVs, according to the ICCT report.

"When you're talking about LA freeways, which are some of the most congested highways in America, that's an incentive to get an electric vehicle," says Ted White, planning director in Riverside, a city of 316,000 on LA's eastern flank.

### All about the infrastructure

Public charging stations also matter. Metros with the highest adoption rates mostly, though not always, have the highest number of fast chargers per million people. Workplace charging lags, but again San Jose and San Francisco stand out, followed by Detroit.

Nashville, which ranks 10th for public chargers per million people, began installing e-charging stations six years ago; today there are 54 stations across the city, of which the Mayor's Office of Infrastructure, Transportation and Sustainability owns 27. The agency installs charging infrastructure in all new government buildings, says



Laurel Creech, director of the Division of Sustainability.

City governments are also trying to prime the pump. New York City wants to have 2,000 EVs, or half the city's fleet of nonemergency vehicles, by 2025. Many local governments, including San Francisco, see EVs as a way to improve air quality and achieve climate action goals. To encourage vehicle electrification, the city wants to make charging as simple as going to a gas station. "It's about making it convenient and reliable, which will require new business models and incentives for EV charging," says Jessie Denver, the energy program manager.

One of seven national finalists for the U.S. Department of Transportation Smart City Challenge, San Francisco continues to work with other finalist cities, including Portland, Seattle, and Los Angeles, by aggregating demand for fleet EVs. "If we can

work together, we can solve [challenges] faster."

But not every municipal planning office has put muscle behind EV adoption efforts. Milwaukee, for example, has just a few charging stations. It's not that the city of nearly 600,000 resists EVs. Rather, with limited resources, it's a matter of priorities.

"I don't see as much of a win as I do with building efficiencies," says Erick Shambarger, the city's environmental sustainability director.

### Looking ahead

Keep an eye on the money trail from the Volkswagen emissions fraud settlement. Every state gets a piece of the \$14.7 billion pie, and EVs could benefit.

Connecticut, for example, will get \$51.6 million. Many groups there have ideas on how the money should be used.

One proposal: Use the windfall for 100 new fast-charging stations.

Nevada, Utah, and Colorado may tap the funds to install charging stations along 2,000 miles of interstate highways. By 2020, according to their plans, EV drivers will find stations from the Nebraska border to Las Vegas and beyond. Nevada wants to electrify secondary highways, including U.S. 50, nicknamed America's Loneliest Highway. A station in Beatty will be strategically located near Death Valley National Park.

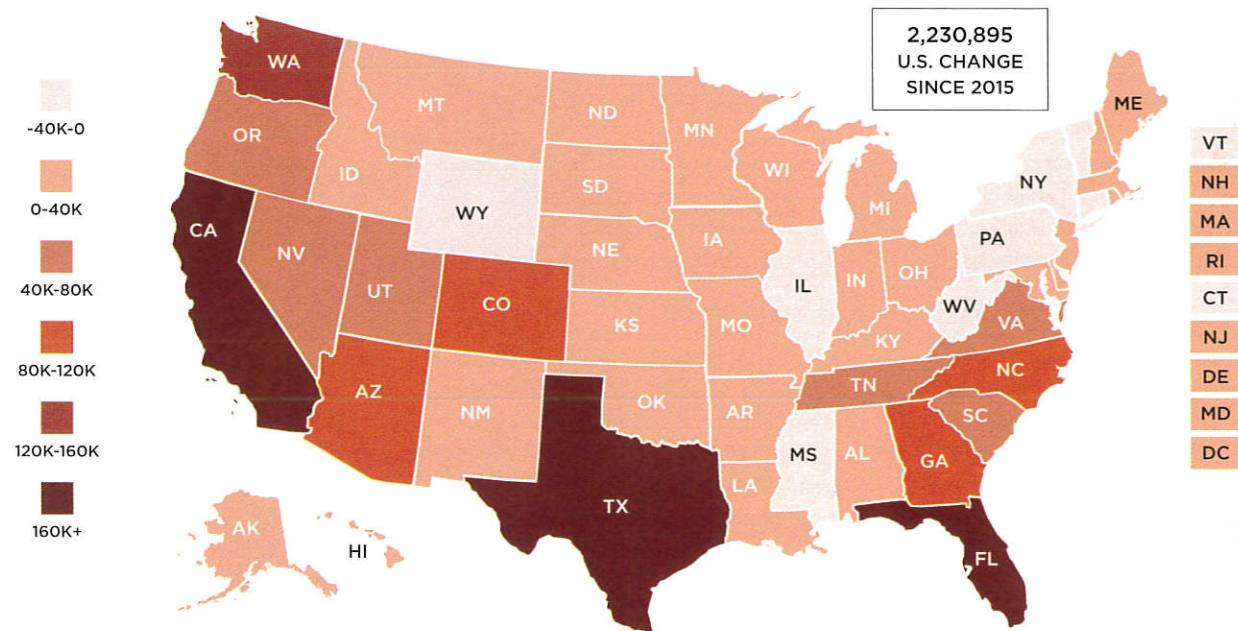
"By 2020, people with electric vehicles are going to be able to do long-distance road trips . . . from Denver to LA," says Angela Dykema, director of the Nevada Governor's Office of Energy.

—Allen Best

Best has written about the evolution and revolution in vehicle technology several times for *Planning* from his base in Denver.

## POPULATION TRENDS REVERSE IN RECENT YEARS

Eight states lost population between 2015 and 2016—the highest number recorded since 1987. Twelve others recorded their lowest population increases of the decade. Analysis by *Stateline*, an initiative of the Pew Charitable Trusts, notes several potential contributing factors, including national mortality and birth trends; shifting economies and job markets, particularly in fossil-fuel producing states; and local property tax burdens.



SOURCE: U.S. CENSUS BUREAU; STATELINE GRAPHIC AND ANALYSIS FROM "WHAT'S DRIVING POPULATION DECLINES IN MORE STATES?" (PEWTRUSTS.ORG/EN/RESEARCH-AND-ANALYSIS/BLOGS/STATELINE)



## EVER GREEN



Since 1969, the Marjory Stoneman Douglas Biscayne Nature Center in Key Biscayne, Florida, has educated more than one million local students about sea life through its interactive and hands-on Seagrass Adventure program.

## Cultivating Stronger Connections with the Natural World

**T**OO OFTEN NATURE SEEMS ABSTRACT and far away, difficult to know and touch in any visceral way. This represents a serious problem as we work to cultivate a greater sense of curiosity, empathy, and caring for the natural world—essential conditions for building the tangible support (political and otherwise) needed to conserve and protect nature.

In few areas is this clearer than in the ocean realm, where the nature may seem especially distant and exotic and where, given the extreme pressures faced from acidification, overfishing, marine pollution, and other issues, significant awareness is needed.

We are innately drawn to nature; that is the basic premise behind the concept of biophilia. But as biophilic pioneer Steve Kellert, who passed away this past November, would say, it is a “weak genetic tendency”—meaning that it is like a muscle that needs exercising and strengthening. We must work to extend and expand our innate nature connections.

I have been exploring these ideas through the filming of a new documentary about the marine nature in and around cities, and I am more convinced than ever that planners can and must explore creative ways to build these important emotional connections.

### Uncovering the unseen

Tentatively titled *Blue Urbanism*, the film is a collaboration with Colorado-based filmmaker Chuck David. We seek to tell the many stories of how to forge new connections between the residents of coastal cities and the (largely) invisible ocean world all around them.

Recent shoots in East and West Coast U.S. cities suggest a range of possibilities. One impressive organization is Harbor WildWatch, in Gig Harbor, Washington, along the Puget Sound. Thanks to Lindsey Stover, the executive director, we were able to film one of their signature events—Pier Into the Night.

The night we visited, two volunteer divers with lights and a GoPro camera mounted between them were diving a few hundred feet away. The real-time video stream was then projected onto a screen on the pier.

A crowd of about 90 adults and children sat watching, mesmerized as Harbor WildWatch marine naturalist Stena Troye narrated, identifying and answering questions about what we were seeing on the screen.



We saw some remarkable marine organisms that night, including moon snails, anemones, shrimp, sea stars, decorator crabs, and sea cucumbers. Troye also pointed out some less than natural items, including abandoned fishnets and plates, and even an iron, which met with a strong response from the crowd and reinforced the conservation message of the night.

The overall takeaway for attendees was clear: There is abundant and diverse life below the surface and all around their harbor community. The message for planners: If we expect citizens to care about these largely invisible worlds and support our efforts to plan for them, conserve them, and manage pollutants and other land-based threats to them, we must do a better job educating about these environments.

### Getting your feet wet

A bit further north in Seattle, we filmed the story of efforts to profoundly reconnect residents to the water there, spearheaded by the nonprofit group Friends of Waterfront Seattle. With the help of landscape architect James Corner, they are implementing a bold vision of a two-mile stretch of new waterfront spaces and connections to the water.

The vision includes the ongoing efforts to place what has been a major visual and physical barrier, the Alaska Way Viaduct, underground. It is an ambitious plan that includes new park space, a continuous promenade, rebuilt piers, places to launch kayaks, and new street-level connections to surrounding neighborhoods. Current progress includes the completion of the first phase of a rebuilt Elliott Bay Seawall, designed to provide new habitat for salmon and marine invertebrates.

A few days later we traded the chilly, damp weather of the Northwest for the warm breezes of South Florida. We spent the day with the staff of the Marjory Stoneman Douglas Biscayne Nature Center. A part of Crandon Park, and positioned on the Atlantic Ocean side of Key Biscayne, it provides an unusually compelling setting for educating people about ocean life.

One of the more remarkable programs offered by the Nature Center is something called the Seagrass Adventure. Students walk into the shallow waters of the Atlantic and, with the help of expert naturalists, discover what lies right below the surface. We followed groups of fifth graders as they waded into the waist-high water, exuberant about what they might find. Theodora Long, the center's director, told us how it rose from humble beginnings, from educating residents from the back of a hotdog stand on the beach in 1969 to hosting hundreds of students a year today.

The day we filmed this event, seven groups were in the water at once. Each pair of students had a net for scooping up the ocean's sandy bottom. Their ecstatic reactions to what appeared in their nets were simply wonderful. There were finds big and small—mantis shrimp, sea sponges, queen conch, trunkfish, and bristle worms, among other organisms. My favorite discovery that day was what appeared at first to be a spiky tennis ball. Once the object was placed in one of the floating pails, it returned miraculously to its normal shape as a balloonfish.

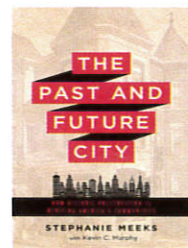
After an hour or so, the groups returned to shore and sat in a circle to examine and discuss what they had found. I am sure that this visceral, hands-on day of learning and connection will stay with these kids long into adulthood. At least I hope it will, because we will need them to care about and do more to steward over and protect that remarkable marine world than my baby boomer generation has. Ideally, they will return to the ocean and continue to perceive it in these deeper, more intimate ways.

These are some of the essential ways we need to cultivate an urban marine ethos and sensibility to support and buttress the planning and conservation decisions we need to make, now and in the future. ■

—Timothy Beatley

Beatley is the Teresa Heinz Professor of Sustainable Communities at the University of Virginia, where he directs the Biophilic Cities Project.

## PLANNERS LIBRARY



*The Past and Future City: How Historic Preservation Is Reviving America's Communities*  
2016; Island Press;  
334 pp.; \$60 cloth,  
\$30 paper, \$14.99  
e-book

### Adaptive reuse of historic preservation

"Preservation is about managing change and helping ensure a smooth continuum between past, present, and future," as well as reflecting "real needs and concerns of communities," not "just profit margins." That's the theme of *The Past and Future City: How Historic Preservation Is Re-*

*living America's Communities* by Stephanie Weeks (National Trust for Historic Preservation).

Weeks wrote the book not just to advocate, although she is clear that "the combination of preservation and adaptive reuse is not just the best way forward for our cities. It is in many ways the only way forward."

Having said that, she knows, 50 years after the National Historic Preservation Act, "preservation has in many ways been a victim of its success"—"systematized and bureaucratized"—and this will not do. Adaptive reuse and responsiveness to the local community are key.

The book's longest chapter lays out 10 steps to help communities "maximize the advantages of their older buildings":

1. Make data-driven decisions.
2. Pursue "regulatory solutions, not obstacles."
3. Ensure that old and new construction are compatible.
4. Make streets for people first.
5. Invest in Main Street.
6. Take advantage of historic tax credits.
7. Find and support other innovative funding methods.



## Special Advertising Feature

ICSC RECon  
2017 PREVIEWFOOD AND BEVERAGE SECTOR GAINS  
GROUND IN SHOPPING CENTERS

Good news for owners and retailers: dining where we shop is a major trend

By Joseph Dobrian

**F**ood and beverage (F&B) retailers have become more important players in shopping centers world-wide. This is a welcome development for many owners and tenants, because restaurants build foot traffic and add excitement to the overall experience. But the increase in inline space devoted to food service does present challenges.

## DINING EXPERIENCE

"We see two dovetailing trends in the shopping center industry," says James Cook, director of retail research at Chicago-based JLL. "First, the department store is less a central part of shopping. Three hundred department stores recently announced closures for a variety of reasons. People want specialty stores: they're less interested in one store for everything. At the same time, what can't be recaptured online is the experience of dining, so F&B becomes more prominent.

"The right shopping center can use F&B to drive traffic in the



F&B is estimated to account for 50% of retail growth in shopping centers; almost 20% more than in 2010.

same way they used to use department stores. Quick-service restaurants are doing a bit better than others; 'fast-casual' provides a compromise in which you pay a little more for higher-quality food, but you pay less because there's no table service. In some shopping centers, we expect an

increase in the percentage of inline space devoted to F&B, and shopping-center owners need to have the staff that know how to work with those retailers.

"It's a whole different deal, negotiating with an F&B company as opposed to some other retailer. You need someone on staff who

has experience with that world."

Michael T. Lanning, Kansas City, Mo.-based senior vice president at Cushman & Wakefield and president of the Institute for Real Estate Management (IREM), says no retail category comes close to F&B for growth in shopping centers. It accounts for half of retail growth today, he estimates; in 2010 it was one-third.

## INFRASTRUCTURE

"F&B creates foot traffic and benefits other retailers," he says. "But it can present challenges. If a restaurant is going into a strip center, sometimes the infrastructure is challenged as to heating, ventilation and air conditioning (HVAC), restrooms, plumbing,

and parking. IREM members who manage these centers say that additional restaurants will require a good design team that will address mechanical systems and exterior parking. Parking is very important, and you have to address it with expansion or redesign of the lots."

"F&B accounts  
for half of retail  
growth today."

Robert Futterman, chairman and CEO of RKF, a retail leasing, sales and consulting firm based in New York, says retail in general is in a bit of a slump. Not many fashion tenants are opening new stores, because rents are often prohibitive.

"Quick-service restaurants and food stores are the only categories that are expanding," he says. "We're seeing new concepts in F&B which provide foods that are traceable from market to table."

"Everyone in our industry is seeking the Internet-proof experience—and food is probably the greatest experience of all," concludes Deborah Butler, president of Butler Enterprises in Gainesville, Fla. "Research from the U.S. Department of Agriculture shows that millennials spend 44% of their food dollars on eating out. Our new Butler Town Center at Stengel Field will offer an innovative, chef-curated food hall when it opens in 2018."

Regency  
Centers.

regencycenters.com

Regency's national portfolio of 429 retail properties is primarily anchored by top grocers and is located in affluent and infill trade areas in the country's strongest metro areas. Regency has developed 227 shopping centers since 2000. Operating as a fully integrated real estate company, Regency is a qualified real estate investment trust that is self-administered and self-managed, and a member of the S&P 500 index.



# Land-Use Policies and Planning in the Wake of Rising Sea Levels

## LAW

*Energy, land use and infrastructure decisions made now will determine how vulnerable our children and grandchildren will be to rising sea levels.*

—NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MOST AMERICANS LIVE IN COASTAL STATES, and many have personally felt the impacts of sea-level rise, whether through the increased nuisances of flooding or coastal erosion, more frequent and severe storm events, or loss of coastal habitats. Accounts vary by source and location, but most studies predict that sea levels will continue to rise—and at an accelerated rate. *National Geographic* reports that the annual rate of sea-level rise over the past 20 years has been 0.13 inches per year, which is approximately twice the average rate of the previous 80 years. According to the U.S. Environmental Protection Agency, coastlines along the Gulf of Mexico and in the mid-Atlantic region have seen more than an eight-inch increase since 1960.

### Defining sea-level rise

An important question is how the state or local government defines sea-level rise—if at all. Definitions of sea-level rise are by no means uniform. Sometimes a state or local jurisdiction adopts its own definition; others expressly adopt the federal government's current definition. Given that sea-level rise is accelerating and not constant, to avoid having to amend the definition in the relatively near future, it may be defined in a way that can adapt over time.

For example, Connecticut's Coastal Management Act defines "rise in sea level" according to the historic data published by the National Oceanic and Atmospheric Administration: "Rise in sea level" means the arithmetic mean of the most recent equivalent per decade rise in the surface level of the tidal and coastal waters of the state, as documented in National Oceanic and Atmospheric Administration online or printed publications for said agency's Bridgeport and New London tide gauges."

Lacking a standard definition for sea-level rise makes implementing state policies much more difficult, and implementation is likely to be far less uniform. Definitions are key in land-use planning for making clear which activities are regulated—and the world of sea-level rise is no exception.

### Rolling sea-level rise into land-use policies and planning

In response to sea-level rise, and in order to adapt to, mitigate, or rebuild from its impacts, states and local governments have been enacting a variety of policies and regulatory measures.

States are increasingly incorporating sea-level rise into state policy. One approach is to establish enforceable standards or requirements related to land-use planning or development. For example, in 2012, Connecticut incorporated sea-level rise into its Coastal Management Act's goals and planning policies. The Connecticut General Statutes establish a policy to "consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards."

Other states take a softer approach and set only aspirational goals or guidelines. For example, in 2009, New York established the New York State Climate Action Council to create a climate action plan. (See Georgetown Climate Center's Overview of New York's Climate Change Preparations: [tinyurl.com/zgxjymb](http://tinyurl.com/zgxjymb).) The

following year, an interim report was released that included goals for preparing for climate change impacts.

Similarly, the California Coastal Commission's *Sea-Level Rise Policy Guidance* ([tinyurl.com/jqw2rrz](http://tinyurl.com/jqw2rrz)), published in 2015, provides guidelines for cities to address the impacts of sea-level rise on coastal development. This includes determining the expected range of sea-level rise and impacts in a given community and adopting strategies to mitigate risks, including protecting water quality, water resources, and coastal habitats.

Requiring the consideration of impacts on sea-level rise in land-use planning or decision making will have a more immediate effect on land-use planning. Nevertheless, encouraging, but not requiring, such consideration—and establishing specific goals—is still a step forward and could lay a roadmap for further regulation.

Beyond the state level, local governments may have the authority to require that sea-level rise be taken into consideration in land-use decision making, and this can have a significant impact on developments. Local action is critical for identifying areas that are most at risk for sea-level rise and the impacts that are of most concern to the community, which are among the first steps in creating a meaningful action plan.

For example, Miami-Dade County has created a *Climate Action Plan* ([miamidade.gov/info/county-directory.asp](http://miamidade.gov/info/county-directory.asp)) that calls for integrating future climate change impacts into government decision making. This specifically calls for, among other steps, analyzing sea-level rise scenario maps to model livable footprints, as well as studying the implications of sea-level rise on vulnerable facilities such as solid waste facilities and water and wastewater utilities.

### Incentives for coastal protection and resilient development

Coastal states or local governments may



consider enacting laws that favor certain types of development activities or coastal protection measures over others.

For example, certain types of shoreline stabilization measures may be favored expressly as a matter of public policy or by the permitting process. If hardened development or shoreline protection structures are disfavored, there may be additional permitting requirements involved, and the process may be more expensive or time consuming.

Connecticut's Coastal Management Act favors living shorelines over armoring. Living shorelines stabilization "methods involve restoration of waterfront habitats, often using fill to support tidal wetland vegetation." (See the Office of Long Island Sound Programs Guidance on P.A. 12-101, An Act Concerning the Coastal Management Act and Shoreline Flood and Erosion Control Structures: [tinyurl.com/zvde8nc](http://tinyurl.com/zvde8nc).)

Connecticut exempts living shoreline projects that meet certain criteria from additional municipal procedural requirements that apply to "coastal flood and erosion control structures," including a mandatory coastal site plan review.

Key land-use planning strategies should be implemented to directly acknowledge the reality of rising seas for our coastal communities. Responding to these challenges begins by defining the problem and the community's resiliency goals. Establishing these objectives, and the carrots and sticks to get there, is a necessity.

Sticking our head in the sand is no longer an option—the sand is washing away. ■

—Sorell E. Negro

Negro is a lawyer with Robinson & Cole LLP, based in Miami, where her practice focuses on land-use, environmental, and real property law and related litigation.

## HISTORY

### COUNTING AMERICANS



A U.S. Census enumerator collects information during a 1911 visit with Native Americans of the Winnebago tribe in Wisconsin.

**THE CONSTITUTION MANDATES** that an "enumeration" of the American population be completed every 10 years. The first, conducted in 1790 by the U.S. Marshals, collected only basic information to determine how representatives and direct taxes should be allocated. Nationwide surveying has come a long way since. In 1940, the U.S. Census Bureau began distributing two versions of the census: a short form and a long form, which collected data beyond the basics of a household, including income information. This was valuable data, but the response rate was low, so the Bureau created the American Community Survey. Now, the ACS is a yearly occurrence—and an essential source for planners.

—Ben Leitschuh

Leitschuh is APA's education associate.

## RESOURCE FINDER

The American Community Survey and the decennial Census have a wealth of useful information for planners, but how do you access and interpret the data?

### APA RESOURCES

***Countdown to the National Selfie***  
Christopher Williamson, AICP  
*Planning*, February 2017  
[tinyurl.com/zkake18j](http://tinyurl.com/zkake18j).

***Demographic Data for a Changing Nation***  
Jason Borah and Jonathan Schroeder  
*Planning*, October 2012  
[tinyurl.com/jkbzlb](http://tinyurl.com/jkbzlb).

### WEB RESOURCES

***American FactFinder*** provides community data collated from many U.S. surveys, including the American Community Survey: [factfinder.census.gov](http://factfinder.census.gov).

***The National Historic Geographic Information System*** provides free GIS-compatible data files using Census results: [nhgis.org](http://nhgis.org).



# New Hampshire Greenlights Granny Flats Statewide

**T**HE NEW HAMPSHIRE LEGISLATURE believes that one key to a prosperous future lies in the state's attics, basements, and spare rooms. A new statewide law that takes effect in June mandates that accessory dwelling units be allowed in every location that permits single-family dwellings, superseding local zoning ordinances. Units must include a kitchen and bath, and the building must be owner occupied. The law does not cover units in detached garages or other outbuildings.

"The New Hampshire planning community was mixed on [the law]," says Benjamin Frost, AICP, director of legal and public affairs for New Hampshire Housing, an affordable housing facilitator, and a member of the New Hampshire Planners Association's legislative committee.

Frost says some planners saw the law as an infringement of local control, while others saw it solving several of the state's problems at once, including an aging population, a tight rental market (with only a two percent vacancy rate statewide, and even lower near job centers), and a lack of affordable housing that many believe is preventing young workers from moving into the state—despite a surplus of some 20,000 unfilled jobs.

"After hours of discussion, we decided to support the bill as a planners' association," says Shanna Saunders, director of planning and community development for the city of Somersworth (pop. 11,765) and president of the NHPA. She had argued for opposing the bill.

"We always have concerns where the state is trying to restrict municipal zoning authority," says Cordell Johnston, government affairs counsel for the New Hampshire Municipal Association. But they recognized support from both affordable housing advocates and business interests. Popular opinion was with the bill.

## Meeting in the middle

The final law, passed in March 2016, contained several conditions that satisfied most of the planners and municipalities who initially opposed the bill.

According to Johnston, the law says that municipalities may permit ADUs not only by right but also by conditional use permit or special exception; an early amendment to the bill had mandated that the ADUs be permitted by right only. Municipalities may also place a limit of one ADU per dwelling and restrict the size to 750 square feet, but no less.

A big win for opponents was delaying the law's start until June 2017, which would give cities and towns more than a year to adjust their zoning codes. In New Hampshire, this requires a town meeting vote, typically held in the spring.

Rick Sawyer, AICP, town manager of Bedford (pop. 21,449), says his city's zoning ordinance already complied with the new law, but the town made some adjustments anyway.

For example, ADUs used to require a special exception but are now by right. The town has 100 to 125 ADUs and about 6,500 residential properties.

The New Hampshire law is one of a handful of statewide laws that mandate municipal approval of ADUs. Hawaii became the first in 1981 when it passed the ohana zoning law, which required permitting ADUs but allowed counties to restrict them to family members. California and Vermont have laws similar to New Hampshire's, and the Massachusetts legislature is currently considering two comparable bills.

Johnston says that the New Hampshire legislature is considering a bill this session that will clarify that ADUs cannot be added to condos, and another bill that would prevent their use as short-term rentals. ■

—Madeline Bodin

Bodin is a freelance journalist and a frequent contributor to *Planning*.

*News and Legal Lessons are edited by Mary Hammon. Please send information to Mary Hammon, Planning's associate editor, at [mhammon@planning.org](mailto:mhammon@planning.org).*

**BEN CARSON** was confirmed to President Donald Trump's cabinet in March as the secretary of housing and urban development. Secretary Carson, a former neurosurgeon and GOP candidate for president, now heads the \$47 billion agency, which has around 8,300 employees.

**NEW YORK STATE** has approved plans for an offshore wind farm between Long Island and Martha's Vineyard. Set to open in 2022, the farm's 15 turbines will generate 90 megawatts—enough to power 50,000 homes in East Hampton—bringing the state closer to Governor Andrew Cuomo's benchmark of 2,400 megawatts of offshore wind power by 2030. New York's offshore wind farm will be the second in the U.S.; the first, which began operating in December off the coast of Rhode Island, powers up to 17,000 homes.

**ALSO IN NEW YORK**, New York City will have 90 new homeless shelters by 2021 as part of a new program announced in March by Mayor Bill de Blasio. The effort aims to replace 360 landlord- and hotel-operated facilities with smaller, high-quality shelters that keep residents near the boroughs where they're from. De Blasio has set a goal of 20 new shelters in 2017 and 2018 each, and 12 temporary locations for those living in facilities scheduled to close.

**PUBLIC WI-FI** is coming to Miami-Dade County, Florida—at no cost to taxpayers. County officials have partnered with CIVIQ Smartscape, a smart cities design company, which will cover the \$20 million needed to install and maintain about 300 kiosks; 1,000 Wi-Fi devices in public transit vehicles; and 51 Wi-Fi devices in transit stations. The company will make money from digital ads that appear on the kiosks; the county will also get a revenue share. The project comes a year after the launch of LinkNYC, a similar partnership between CIVIQ and New York City that turned old phone booths into public internet kiosks.

# THE WALL STREET JOURNAL.

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<https://www.wsj.com/articles/old-containers-find-out-of-the-box-second-lives-1494840601>

## LOGISTICS REPORT

# Old Containers Find Out-of-the-Box Second Lives

Shipping containers—the workhorses of freight transportation—are popping up in restaurants, homes, pools and more



Bareburger restaurant in Plainview, N.Y., is made from 11 truck-size shipping containers. PHOTO: COSTA PARIS/THE WALL STREET JOURNAL

*By Costas Paris*

May 15, 2017 5:30 a.m. ET

PLAINVIEW, N.Y.—It looks more like a warehouse than a Long Island burger joint, but the Bareburger restaurant on a busy intersection here is attracting patrons for its food—and its architecture.

The restaurant, which opened last year, is made of 11 truck-size containers previously used by Japanese shipping company NYK Line. Bareburger Group LLC worked with SG Blocks Inc., which specializes in container-based buildings and has designed similar structures for Starbucks Corp. [SBUX -0.52%](#) ▼, Yum Brands Inc.'s Taco Bell restaurants and Lacoste stores.

“It came naturally,” says John Simeonidis Jr., Bareburger’s co-founder and chief design officer. “We use reclaimed wood for floors and tables, recycled vinyl for seats and so on. So we said, ‘let’s think outside the box for the structure’ and ended up building a metal box that looks really cool.”

Shipping containers, typically 20 or 40 feet long, are the workhorses of freight transportation, used to move most of the world’s manufactured goods. Shipping companies pay about \$2,000 to \$3,000 for each one, with an average container lasting 18 years before it is retired from sea.

More of these used containers are finding second lives as building materials, popping up in restaurant chains like Bareburger as well as private homes, theme parks, swimming pools and prison cells.

Although such structures are becoming more popular for their trendy looks, they aren’t about to replace traditional buildings, construction executives say.





Rune Sorensen of Maersk Line says the shipping company sold 70,000 used containers for \$1,000 to \$1,300 apiece last year. PHOTO: MAERSK

Containers must be cut when stacked to widen the living space or to create windows and doors, and need to be insulated from the inside and reinforced with steel beams in multistory structures. And after they are put together, conversions or expansions are difficult and expensive.

About 1 million containers a year are sold or leased for inland use, shipping executives say. Maersk Line, a unit of Danish conglomerate A.P. Moller Maersk A/S with 2.7 million containers in use world-wide, sold 70,000 of them for \$1,000 to \$1,300 apiece last year, said Rune Sorensen, the unit's head of container sales.

That was double the amount it sold in 2015, he said, and he expects the growth to continue in the coming years. The market, he added, "is still discovering itself."

In Brooklyn's Williamsburg neighborhood, architecture studio LOT-EK stacked 21 containers, then cut the structure diagonally to create a three-story, 5,000-square-foot single-family home.

"It must be one of the most photographed houses in Brooklyn," says Simon Araya, who works at a nearby cafe. "In the beginning it stood out like a sore thumb, but it does fit Williamsburg's hipster and artistic culture."

LOT-EK has used containers on other projects, including Qiyun Mountain Camp, a 60-acre extreme-sports park in Huangshan, China, scheduled to open later this year, and a seven-story apartment block in Johannesburg, South Africa, using 140 metal boxes. Slated for completion this summer, it is expected to be the world's biggest container structure.

### Architects, designers and builders are discovering that shipping containers, the workhorses of freight transportation, aren't just for hauling cargo.

The Qiyun Mountain Camp, designed by Architectural firm Lot-EK, is the largest extreme sports and adventure park built in China. PHOTO: NOAH SHELTON



Ada Tolia, one of LOT-EK's co-founders, says the containers are "at symbols of globalization, that move goods across the world on trains."

Once they have been retired from their primary use, she said, "they can be used as Lego blocks that can be stacked or shaped to make the most efficient, lightweight and strong structures."

Elsewhere, their second lives are more mundane. New York public-works contractors stack them up as temporary support for overpasses, while Australia's Department of Correctional Services uses them for prison cells. Containers also are used as temporary structures in seasonal or remote locations by retailers, medical clinics, energy workers and the military.

The United Nations uses containers in Haiti as a secure, weather-resistant way of storing food, water, medicine and other equipment.

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“When Hurricane Matthew hit the island last October, it was tremendously useful to have hurricane-response gear stored and pre-positioned in shipping containers,” said U.S. Air Force Maj. Andrew J. Schrag, who participated in the U.N. peacekeeping deployment. “Containers performed tremendously and enabled the ‘Blue Helmets’ to be much more effective in preventing a prolonged human catastrophe in the aftermath of the hurricane.”

Industry executives say building with containers can be 40% faster and 20% cheaper than using traditional building materials, though Bareburger ultimately paid double what it budgeted for the Plainview restaurant. The project cost about \$2 million and took four years from conception to completion, with builders struggling to work with the dented metal and inspectors conducting extensive reviews before approving the construction.

“It was a massive learning curve,” Mr. Simeonidis said. “It was a new way of building that builders on site had no feel for.”



At Bareburger, “We use reclaimed wood for floors and tables, recycled vinyl for seats and so on. So we said, ‘let’s think outside the box for the structure,’” said co-founder John Simeonidis Jr. PHOTO: COSTA PARIS/THE WALL STREET JOURNAL

**Write to** Costas Paris at [costas.paris@wsj.com](mailto:costas.paris@wsj.com)

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REAL ESTATE

# The Mall of the Future Will Have No Stores

Shopping-center landlords are rethinking the traditional mall model—and shops aren’t necessarily part of the equation



As bricks-and-mortar stores close, shopping-center landlords are rethinking how they use their space. At Fairlane Town Center in Dearborn, Mich., Starwood Capital brought in Ford, which converted a former department store into a workspace for its engineering and purchasing staff. PHOTO: FORD LAND

By Esther Fung

June 12, 2017 8:00 a.m. ET

When Starwood Capital Group LLC bought Fairlane Town Center in 2014, the investment firm had a lot of work to do.

The Dearborn, Mich., mall was only 72% leased, and among the vacant space was a sprawling former anchor store.

A chance call to Ford Motor Co. to sell some mall advertising turned out to be a game changer. In April, Ford moved its entire engineering and purchasing staff into space once inhabited by department-store chain Lord & Taylor. Ford is now the mall’s largest tenant, with 240,000 square feet of space.

“Our relationship began as good neighbors,” said Michael Powers, senior vice president of leasing at Starwood. “Then we found out they were in the market for office space. It was somewhat serendipitous.”

As retailers close bricks-and-mortar stores at an accelerating pace, shopping-center landlords like Starwood Capital are facing a vexing question: What to do with all this empty space?

Their solutions are varied but all have a common element: reducing, or even eliminating, retail from the equation.

Some landlords plug empty spaces with churches, for-profit schools and random enterprises while they figure out a long-term plan. Others see a future in mixed-use real estate, converting malls into streetscapes with restaurants, offices and housing. And some are razing properties altogether and turning them into entertainment or industrial parks.

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Ford’s 10-year lease at Fairlane Town Center “brought 1,800 to 2,000 employed people to our property, people with a paycheck,” said Mr. Powers.

The mall, which is still anchored by Macy’s, J.C. Penney and Sears, is currently 91%

leased, he said, and its food operators are doing better in the daytime than they did before, as Ford workers pile in for lunch.

Ford liked the mall's proximity to its main facility in Dearborn, which is being rebuilt over the next 10 years, and its wide open spaces.

"We didn't move walls, didn't change anything in a significant way," said Dave Dubensky, chairman and chief executive of Ford Land, the company's real estate arm.

A construction binge in the 1980s and '90s left the U.S. oversaturated with malls. Growth in online sales and declining demand for full-priced goods are causing retailers to shrink their store fleets and divert resources to e-commerce platforms.

In all, retailers have announced 2,880 store closings from January to April 6 of this year, more than twice as many as in the same period a year earlier, according to Credit Suisse. For the full year, the investment bank anticipates more than 8,600 stores to close. Analysts predict that 400 or so of the roughly 1,100 malls in the U.S. will close in the coming years.

Many mall owners are trying to liven up the experience, bringing more dining and entertainment tenants and eschewing the traditional mix of middling food courts, fashion retailers and department stores.

"The appetite for experimentation is there," said Matthew Billerbeck, a Seattle-based senior vice president of design and architecture firm CallisonRTKL. "The industry had gotten complacent and formulaic."

One strategy is to convert enclosed malls into open-air properties that landlords call "lifestyle centers," with apartments, theaters, grocery stores, medical offices and other conveniences—and much less retail.



The Columbus Commons in downtown Columbus, Ohio, was previously home to a 1.25-million-square-foot mall. The park has spurred development around its perimeter, mostly office and residential. PHOTO: ANDREW SPEAR FOR THE WALL STREET JOURNAL

In Arlington, Va., landlord Forest City Realty Trust is redeveloping Ballston Common Mall by knocking down the main entrance to create a plaza, removing two-thirds of the roof and installing more windows to create wider vistas of open spaces. The Cleveland-based real-estate investment trust is also building 406 apartments linked to the mall.

"We're turning the mall inside out," said Will Voegelé, senior vice president at Forest City Realty Trust. "We don't want a building with its back turned to the street."

The firm is converting what was once Macy's furniture store on the third level of the mall into a gathering space for residents, including outdoor patios, seating and landscaping. Its tenant mix will feature more food options and street-facing retail.

At the Staten Island Mall in New York City, shopping-center real-estate investment trust GGP Inc. is adding 235,000 square feet of space in an expansion expected to be completed next fall. Entertainment operators such as AMC theaters and Dave & Buster's will take up 54% of the space, while food tenants including Shake Shack will account for 20%. Apparel tenants such as Zara will make up just 17%.

The remaining space will be taken up by home-furnishing and personal-care shops as well as other enterprises such as Apple Bank. Discount supermarket operator Lidl will open there soon.

In GGP's holdings of more than 130 shopping centers, apparel takes up half of the portfolio by gross leasable area. Food has risen to 13% from 6% and is projected to go to 20% by 2025, said GGP Chief Executive Sandeep Mathrani in a recent earnings call. Apparel will fall by another 10% or so by the fall, and stabilize at around 40%, he said.

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*‘Many mall owners are trying to liven up the experience, bringing more dining and entertainment tenants and eschewing the traditional mix.’*

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Sometimes developers conclude that the only way to save a dying mall is to level it and start over.

The City Center mall in downtown Columbus, Ohio, was a community centerpiece where pop bands such as Hanson performed in the 1990s.

But the 1.25-million-square-foot mall started to deteriorate as competition from shopping centers such as the Mall at Tuttle Crossing, Easton Town Center and Polaris Fashion Place increased.

City Center’s anchor department stores, Lazarus, Kaufmann’s and Jacobson’s, closed in the 2000s, and vacancy rates jumped to 75%.

The city in 2007 sued the owners for the mall and sought to evict them, accusing them of neglecting the property. The city purchased the property that year in hopes of redeveloping it, but closed it in 2009.

“We looked at 10 different redevelopment plans,” said Guy Worley, chief executive and president of Columbus Downtown Development Corp., a nonprofit development firm. “It was built to be a mall and nothing else.”

So the city “surgically demolished” the property over a two-year period to retain the underground parking structure, which was still used by workers downtown. In 2011, Columbus Downtown opened a park in its place called Columbus Commons, which has a performance space, two cafes, a carousel and bocce courts.

The park has spurred development around its perimeter, mostly office and residential, and hosts more than 200 events annually. The flagship Lazarus department store, which had been linked to the mall, is now an office building.

Taking some inspiration from parks and high-street retail in New York City, Mr. Worley said Columbus Downtown is looking to add restaurants and art galleries along the streets a block away from the park, preferring to keep the park-facing buildings for residential use.

While there have been no pure retail property projects around Columbus Commons, some retail stores are coming onboard that are “more organic, not national retailers,” he added.

“Retail is coming back,” he said, “but it’s following residential.”

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## Special Advertising Feature

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SHOPPERS IN THE MOOD

Canny retailers recreate a downtown experience for customers

By Joseph Dobrian

Shopping-center owners and tenants must optimize the shopper's overall experience if they're to stay profitable, real-estate experts agree. They must leverage online technology, using it to lure shoppers to their brick-and-mortar locations rather than competing against that technology. Finally, the future success of shopping centers requires a more sophisticated, specialized approach to asset management.

"As consumers have become busier, they've had to restructure how and where they allocate their time," observes Scott Wolstein, CEO of Starwood Retail Partners, in Chicago. "We must create experiences at our centers that more closely replicate what you'd find in any urban downtown, including a vast number of dining options and entertainment to create that community feeling. We've been adding both, but all must be geared toward the tastes—pun intended—and needs of the area."

### "Property managers must have sophisticated knowledge."

"Food and fashion work together to make retail spaces come to life," insists Faith Hope Consolo, chairman of Prudential Douglas Elliman's retail leasing and sales division in New York City. "Dining for fun is one part nourishment and nine parts entertainment. Shopping has become a 50-50 split between the necessity of buying something and the entertainment and enjoyment of learning about a brand and its products. The winning retailers and shopping centers will be those where the value for being in the store remains so high that consumers will travel for it, or where the utility of being open is tremendously valuable."

"Online shopping is growing; restaurants and entertainment are outpacing stores and fashion; mall owners are reducing their portfolios to lose their worst locations. Long-term, finding creative ways to repurpose or redevelop poorly performing properties will be a challenge."

"As the retail landscape continues to evolve, it's more important than ever for property managers to be strategic partners to owners and tenants," says Marla Maloney, president of asset services, Americas, at Cushman & Wakefield. "It's no longer just about day-to-day building operations. Property managers must have sophisticated



*Shopping is a 50-50 split between necessity and enjoyment.*

knowledge and discipline around financials, leases and provisions, building operations, and market trends while providing high-touch, hospitality-centric management service. E-commerce will continue to influence the retail landscape in many ways, but human nature will always pull people out of their homes and into social spaces."

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## Zoning and ADA Compliance

BETWEEN 20 AND 30 PERCENT of American families have a family member with some type of a disability. We can expect that to go up as our population ages. Generally, planners and zoning officials think of disability matters along the lines of building design, curb cuts, ramping requirements, and protected crosswalks. However, the Americans with Disabilities Act holds planning and zoning departments accountable for more than just accessible design. The ADA also applies to the actual regulation of uses.

### Federal disability protections

Three major federal statutes protect people with disabilities from discrimination:

**SECTION 504 OF THE REHABILITATION ACT** prohibits discrimination with respect to any program or activity supported with federal funding.

**THE FAIR HOUSING ACT** prohibits discrimination with respect to housing.

**TITLE II OF THE ADA** applies to all programs, services, and activities of local governments.

When I use the term ADA, I typically refer to all of these statutes collectively, because most legal challenges to planning and zoning invoke all three. And, though analysis under each is different, they overlap on some issues, particularly on the standards for demonstrating discrimination and on the requirement for providing a reasonable accommodation or a reasonable modification (collectively referred to as a reasonable accommodation).

### Reasonable accommodation

The ADA provides that a person with a disability, or an organization serving people with disabilities, is entitled to a reasonable accommodation, meaning an exception to the requirements of a comprehensive plan or zoning code.

Reasonable accommodation can be tricky for planning and zoning departments because it can affect rule requirements related to setback lines, lot coverage, and accessory structures including ramps, decks, and fencing. Moreover, it can disrupt the carefully delineated uses permitted in a given zoning district. Two cases have become important precedents in this area of law.

First, in *Innovative Health Systems v. City of White Plains* (1996), the plaintiff, IHS, wished to locate a drug rehabilitation center in an urban redevelopment zone that was targeted for com-

mercial and mixed residential uses only. IHS challenged the zone restriction by requesting an exception to the plan and zoning code as a reasonable accommodation under the ADA. The city rejected the request, claiming that the ADA did not apply to planning and zoning. The U.S. district court ruled in favor of the plaintiff.

Second, in *Wisconsin Community Services, Inc. v. City of Milwaukee* (2006), similar issues were raised when WCS challenged a denial of a special use permit for a proposed location of a drug rehabilitation center. The court held that the ADA applies to planning and zoning, and that in addition to making findings based on the criteria in the zoning code, planning officials were required to make findings under the ADA.

### Determining what is 'reasonable'

A request for a reasonable accommodation under the ADA is not the same as a variance, but its purpose is similar. Under the ADA, when a person with a disability, or an entity serving people with disabilities, requests a reasonable accommodation, they have a legal right to it unless it is determined that the requested accommodation is not reasonable.

Based on the interpretation of the ADA in *IHS*, *WCS*, and subsequent cases, planning officials must address the following questions when evaluating a request for an accommodation:

- Is the applicant a person protected by the ADA—using specific criteria in the ADA?
- Is the requested accommodation reasonable—using a cost and benefit analysis?
- Is the requested accommodation necessary—using a legal “but for” analysis? That is, “but for” the requested accommodation the applicant cannot enjoy his or her property in a way equal to others.
- Will the requested accommodation alter the fundamental purpose or goals of the comprehensive plan and zoning code?

Determining a reasonable accommodation is case and fact specific. Therefore, it is important for planning and zoning officials to familiarize themselves with the ADA in order to make certain that they have properly considered relevant facts in developing their plans, and in applying their zoning code.

With respect to zoning, it is important to keep in mind that the request for a reasonable accommodation requires its own separate determination apart from the requirements for a use or area variance, and this determination must be supported by significant competent evidence on the record. ■

—Robin Paul Malloy, JD LL.M.

Malloy is the E.J. White Chair and Distinguished Professor of Law and the Kauffman Professor of Entrepreneurship and Innovation at the Syracuse University College of Law. He is the author of numerous books including *Land Use Law and Disability: Planning and Zoning for Accessible Communities* (Cambridge University Press, 2015).