

APRIL 17, 2017  
PLANNING COMMISSION [DRAFT] MINUTES

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**ITEM NO. 6**

**GENERAL PLAN AMENDMENT NO. 2017-00513**  
**MISCELLANEOUS CASE NO. 2017-00651**  
**(DEV2017-00007)**

**Location:** Citywide

**Request:** The 2017 Bicycle Master Plan Project is a City-initiated update to the City of Anaheim's 2004 Bicycle Master Plan. The project includes amendments to the General Plan to provide consistency between the proposed 2017 Bicycle Master Plan and the General Plan.

**Environmental Determination:** The Planning Commission will consider if an Addendum to the previously-certified Program Environmental Impact Report No. 330 (PEIR 330) and Supplemental Environmental Impact Report N. 346 (SEIR 346) is the appropriate environmental document for this project and that none of the conditions set forth in sections 15162 or 15163 of the State CEQA Guidelines calling for the preparation of a Subsequent Environmental Impact Report or a Supplement to PEIR 330 or SEIR 346 have occurred.

*This item was continued from the March 20, 2017 Planning Commission meeting.*

**Resolution No. PC2017-044**  
(Dalati/Henninger)

**Approved**

**VOTE: 6-0**

Chairperson Caldwell and Commissioners Bostwick, Dalati, Henninger, Lieberman and Seymour voted yes. Commissioner Carbajal was absent.

*Project Planner:*  
*Christine Saunders*  
*[csaunders@anaheim.net](mailto:csaunders@anaheim.net)*

Christine Saunders, Associate Planner, stated this item was continued from the March 20, 2017 meeting to allow staff to address issues that were raised at the meeting related to Class I bicycle facilities. Class I bike paths provide a right-of-way separate from on-road vehicle traffic and are designated for the exclusive use of bicycles and pedestrians. Class II bike lanes provide a space on the road for bicyclists adjacent to motor vehicles and are designated with pavement markings and signage. Class III bike routes provide on-street right-of-way designated by signs or permanent markings that are shared by pedestrians and motorists. Class IV Cycle tracks provide a right-of-way designated exclusively for bicycle travel, adjacent to a roadway which is vertically separated from vehicular traffic.

Prior to, and at the March 20, 2017 meeting, members of the public voiced concerns about the implementation of certain Class I bike paths, particularly related to the potential establishment of homeless encampments at these locations. These concerns included issues related to the existing and proposed Class I bike paths along the Santa Ana River and Carbon Creek Flood Control Channel. Photos of existing conditions on the Carbon Creek Channel submitted by a resident were shown.

The proposed plan now includes a description of the implementation process and includes coordination with the property owner such as the County, if the City does not own the property on which the Class I bike path is planned. As part of the coordination, staff and the property owner would identify law enforcement jurisdiction and maintenance responsibilities. Staff will also initiate outreach to the

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surrounding community and will form a community advisory working group that would work closely with staff and consultants throughout the planning process. Next, Staff will also pursue funding, typically through grant programs. Each project would be subject to environmental review pursuant to CEQA and possibly NEPA. Once the project is funded, a design consultant will work closely with Staff and the community advisory working group to address specific design issues such as walls, fencing, access and lighting. Once the design is complete, and any other agreements or permits are in place, construction can be awarded.

The adoption of the Bicycle Master Plan is the first step in the process to implement new bicycle facilities which are typically carried out by the Public Works or the Community Services Departments. Projects to implement the Bicycle Master Plan would not require additional Planning Commission review unless they were part of a private development project. New bike paths can require up to five additional City Council approvals prior to construction. There will be extensive opportunities for public involvement at the City Council meetings, participation with the community advisory working group and community meetings.

The proposed bicycle master plan has also been revised to provide additional details in the Implementation Toolbox related to Class I Bike Paths. Staff has included standards for fencing, gates, and lighting from the City Parks Construction Standards Manual that could be used, as appropriate, for a Class I Bike Path. The Edison right-of-way bike path provides a good example of a wall that was constructed between the bike path and neighboring residences.

The 2017 Plan was analyzed to determine the environmental impacts associated with its implementation. This analysis was completed through an addendum to the environmental impact reports that have been prepared for the General Plan. As noted in the Addendum, impacts related to development of Class I bicycle facilities that are not within the ultimate right-of-way would be speculative at this time. Therefore, where construction of Class I Bike Paths would require additional rights-of-way acquisition or new alignments that pass through parklands or open space areas, and where bridges/crossings are proposed, additional project-specific CEQA analysis may be required.

Staff believes that the revisions to the proposed 2017 Bicycle Master Plan address the concerns that were raised at the March 20 Planning Commission meeting. Two additional comment letters have been received since the March 20 meeting. The first is a critique of the bicycling experience between ARTIC and the Convention Center during the NAMM conference. Staff provided a response to this letter writer, which was included in the agenda attachments. There have been two additional emails that I have printed for you tonight. The second is a letter from the County of Orange Public Works Department, identifying three proposed facilities in Anaheim Hills that parallel proposed Regional Riding and Hiking Trails and requesting that right of way for the trails be reserved. Staff has noted these comments and will consider them in any future update to the City's trail system. The last comment regarding inclusion of the Pacific Electric line in the southwest corner of the City is noted; however, staff does not support this addition at this time, as it is under study by SCAG and OCTA for other uses.

Staff recommends that the Planning Commission recommend City Council approval of the EIR addendum, the revised 2017 Plan, and the associated General Plan Amendment. This concludes my presentation. The project team is available to answer any questions.

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Commissioner Seymour asked staff to point out where it specifies how they are going to deal with the homeless because the bike trails attract the homeless. He does not see anything specific that addresses this very major and difficult issue.

Ms. Saunders stated it is an issue that is larger than the Bicycle Master Plan and the City is working on it. The process to implement will identify the law enforcement jurisdiction which is the biggest issue on the Class I bike trail. It would be identified before any new bikeways are built.

Commissioner Seymour feels it is a matter of City Council policy, and this is the major concern of the residents and from a policy standpoint, we have not addressed how they will handle this issue.

Ms. Saunders stated the new bike paths would have to have a law enforcement jurisdiction identified prior to the construction. If it is not City-owned property, they would have agreements with the property owners that would outline what the jurisdiction is for law enforcement.

Commissioner Seymour Stated the jurisdiction just says is responsible; it does not outline what they are going to do and that is where the issue lies. He feels there is no clear City policy in this area.

Ms. Saunders stated the homeless outreach team has been involved in putting the process together.

Commissioner Seymour Asked staff to point out the City Council policy.

Mr. Borrego stated it does not really exist with respect to this issue. Part of the challenge is that the bikeways they've had in the past are County facilities so there is no City policy because it is not city jurisdiction. It is a challenge to speculate what that policy might look like and before they implement any Class I bike way, those decisions will need to be made and that will be part of the public process. If the Commission is interested in further delving into that issue, when they take it to City Council, if it is the Commission's desire, Staff can make it very clear to them that the Planning Commission would really like a policy that specifically deals with this issue and get some clarification from Council on how this issue should be handled It is not something that can be sorted out at the Planning Commission.

Commissioner Seymour stated he was very comfortable with that and he is supportive of the bike trails, enhance the City, wonderful from health standpoint, however he wants to be responsive to the neighbors' concerns and bring the issue to the City Council

Mr. Borrego, Planning Services Manager, stated that staff does understand the concerns and will develop their best recommendations in how it might be addressed.

Commissioner Dalati feels this is a great project and the Council does not have a policy for it yet because they have no funding for it; the County has funding but they are not releasing it. He feels they have to be very vocal about it and asked Mr. Borrego to express Commission's concerns to City Council. The issue is bigger than all of us, but they should not stop the project due to the homeless problem, as it is not going to go away, we need to face it at all levels

Commissioner Seymour The homelessness is not separate from the bicycle plan, it is a real problem and they are related. I am not saying I do not support the Plan, but the issue needs to be brought to the City Council on behalf of the residents.

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Commissioner Dalati stated the Council should help the Police Department and not tie their hands because every time the police go out there to do enforcement, they are looked at as the bad guys. Please make it formal to the City Council, I went to the City Council to speak on this issue. We need to become vocal because it is affecting businesses, communities and is a major problem but do not stop projects because of it

Commissioner Bostwick In the revision, you advise that you are going to have fencing, will the Class I bike paths have fencing on both sides regardless of what is there now.

Pamela Galera, Park Planner, stated she oversees the Class I bikeways and each and every project is different. They will work with the property owner about the constraints of the site, and homeowners to find the right installation for that particular project. They have used Omega fencing and other kinds of fencing, and block walls but they do not want to be specific because technology is changing and there may be something new in the future. We have items in the toolbox to share with the community and we would choose the right installation for that project.

Commissioner Bostwick asked about the gap in the Class II bike lane on Ball Road at the I-5.

Susan Kim, Principal Planner stated they studied that area and given its proximity to the Anaheim Resort and issues with crossing the I-5 Freeway, they decided it needed a special study and could not be encompassed in the citywide plan. Public Works is currently looking at the Anaheim Resort from lighting to landscaping and making sure that what is in the public right-of-way makes sense and it will be encompassed in that greater discussion. There are potentially changing land uses in the Anaheim Resort with the proposed parking structure that could change traffic flows.

Commissioner Bostwick asked about bike lanes on the Lakeview grade separation over the railroad tracks.

David Kennedy, Associate Transportation Planner, stated there is a construction project underway a grade separation over the railroad tracks at Lakeview Avenue and bike lanes will be added as part of that project. He said there are complexities with the 91 Freeway interchange and it is not a bicycle friendly approach because there are two right turn lanes going southbound to get on the 91 West. There is a project study underway in environmental stage for the 91/Lakeview interchange and they have been working with Caltrans on the various freeway interchanges to incorporate bike solutions. Freeway interchanges like this are identified in the Bicycle Master Plan as a constraint, they are often a barrier for implementation for a lot of facilities, like on Ball Road and the I-5. We need to work with Caltrans to serve both the regional transportation connection purpose and the local bike lane.

Commissioner Bostwick asked a follow up question on implementing bike lanes on street projects.

Mr. Kennedy replied that whenever they work on street projects, they always look at the Bicycle Master Plan to and opportunities to implement bike facilities. He cited several examples such as Lincoln Avenue widening east of Rio Vista into Orange and repaving on Rio Vista.

Commissioner Henninger asked if there will be different advisory group for each segment of Class I trail, or will it be one committee for the entire implementation.

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Ms. Galera said it will depend on the project. Typically there is one community involvement per project but they can be flexible, and have a spokesperson from a neighborhood

Commissioner Liebermann added she is very much in favor of citizen advisory group.

Chairman Caldwell stated he recalls that there was a specific set of neighbors that came before the last meeting because they have a specific issue that they have an area that does not have issues that they are worried about issues in the future if bike lanes went through. He was hoping that Staff would come back with reassurances that they could recommendation to the City Council that would appease them. He feels right now he does not feel reassured that there is language that makes them feel more comfortable than they did before. He would like to see it more black and white, they do not have a problem right now but can see the problem on other bike trails where there is a problem, he understands that concern, he asked Mr. Borrego what reassurances can be made for that group that they will not have these issues going forward.

Mr. Borrego stated the take away from the changes they made from the last meeting is that they spelled out the public process that is involved. One of the concerns he had on the last plan is that there was no language that talked about the public process before the City would implement a Class I bikeway. A lot of detail has now been spelled out in the plan in terms of the formation of the committees, neighborhood notifications, and the delineation of law enforcement responsibilities. Staff is not interested in creating Class I bikeways that the residents are not supportive of. In order to get the support of the community, they need to have this public process to hear from them and address the concerns before the City decides to move forward, which was not spelled out in the prior Plan presented to the Commission He wishes they could say that they will solve all the issues which relates to the homelessness, but they cannot at this point in the process, look at it on a case-by-case basis before the implementation.

Chairman Caldwell stated his reaction as a resident would be to not allow Class I bike trail on Carbon Creek because there is no assurance that it will not be something you do not desire at some point in the future.

Mr. Borrego, stated he does not think that question could be answered until they actually went to the public process because there is a chance that they could address it completely. For example, if the law enforcement delineation was clearly spelled out in the process and whichever authority was responsible for carrying out that enforcement had the resources dedicated and identified to make sure that there was adequate response available. That is one of the challenges right now as many of the issues are on County facilities and they do not have the staff or resources to address the issues. So, oftentimes if residents do call, there is a long delay, if any response, to address their concerns. But, if staff went through the process and City Council identified the need to address law enforcement and dedicated the resources to make sure that there is a responsive attitude if problems do arise. Also, if there is a clear policy in terms of what will and will not be tolerated in terms of behavior on the trails. Right now that does not exist and he hopes the policy can outline what will and will not be tolerated and have zero tolerance on what can be set up on the trails. Hopefully, those things would be identified, debated, and clarified before a trail is installed to begin with.

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Chairman Caldwell stated he was hoping that some of that language would be in there and what he has learned in his tenure in the City is that there is no lazy way to make sure and that residents have to be vigilant, there is no way to kick back and expect things not to happen, he understand the neighbors reactions if they do not ride a bike or need a bike trail and they do not want have to be fighting it. He asked if he could reopen the public hearing to allow them to speak.

Leonie Mulvihill, Deputy City Attorney IV, clarified that he continued the public hearing, and Chairman Caldwell reopened it.

Commissioner Dalati commented that staff did a good job on spelling out how they will get the public involved and asked if everybody had a voice, they cannot move forward with the project unless everyone approves it somehow.

Mr. Borrego clarified that not everyone has to approve it, but deferred to Ms. Galera on how the process works as to whether a final vote is taken.

Ms. Galera stated they work diligently with the community and at the end there is a much better project. There are always a few people who are not completely on board, but staff does their best to address all the concerns.

Chairman Caldwell stated there are plenty of opportunities to get up and speak, which does not mean that you always get your way. He supports bike trails but wants every opportunity to address the issues that the community has. He then opened the public hearing.

Paul Martin, 550 S. Main Street, Orange. Mr. Martini works at the Orange County Transportation Authority in Orange and stated his job is to help with pedestrian and bicycle projects throughout the county. OCTA is there to help the cities find funding for construction of bike and pedestrian projects. He is trying to work with staff to identify and seek grant funding. He also can help with identifying best practices and look at examples locally or throughout the nation that could work for the City. OCTA carries the weight on countywide planning, they are working on a countywide Active Transportation Plan for bicycle and pedestrians that would incorporate the City's plan. The countywide plan is an umbrella document that incorporates the individual city plans. Their goal is to help empower the cities to get more money with funding or understanding best practices. He congratulates the City as a lot of energy went into the bike plan, he sees that we are responding to the community but also paying attention to what the issues are and how it relates to biking and walking, which are getting wrapped into other issues. Staff has identified a process, but he also suggests that a lot of the solutions lie in the design and best practices. He points to Anaheim for good examples of design, such as the Anaheim Coves Trail and the Edison corridor as examples on working within constrained infrastructure without new trails, canyons and roads since Anaheim is a developed community. It is tricky to feather those in but it can be done. Community engagement is important to success and the community can help influence the design to better fit the circumstance and context. He congratulated the City on moving forward with the bike plan pending further approvals and City Council approval.

Commissioner Lieberman asked if he knew how many miles of Class I trails are in Orange County and Mr. Martin estimated there was approximately 100 miles of off-street bikeways throughout Orange County.

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Commissioner Lieberman asked if he had any knowledge issues on the Class I bikeways and homelessness.

Mr. Martin stated it is a complicated issue, it is not a new issue, OC Parks is working with Placentia and Yorba Linda with similar issues to provide connectivity. Privacy and security concerns come up often. He discussed the concept of eyes on the street/trail when more people are using the trails regularly that you have more people along the space. He discussed how some of the issues with encampments are issues in the design, such as flat remnants of land because they become a natural nuisance so through design they work with slopes, plants or other things to help avoid the issues.

Joel Lasecki, 1028 N. Laguna St., Anaheim, thanked staff for the work done on the revision, but like he commented before, the devil is in the details. He commented on the eyes on the street issue and reflect on what was said at the last meeting about it. He is in favor of the bike path but thinks that there needs to be details to address the issues. He is also concerned about the fencing issue because it does not sound like there is a mandate or code for it. The existing fencing on the bike path at Schweitzer Park looks nothing like what is shown in the photos shown. He feels there should be minimum standard requirements to ensure adequate fencing and it can always be amended if needed if there is new information. Why is the fencing in that bike path not to any minimum standard.

Joe Arellano feels homelessness on the bike trails cannot be separated. The County owns the trails but the agreements are with the cities the agreements indicate that the city will take care of it. There needs to be a response time because there is not enough staffing to respond in a timely manner; they only respond to priority calls. The way things are today, Police departments are afraid of retaliation if they say or do something wrong or the ACLU gets involved. A county worker told him to be careful when they talk to some of the homeless people on the Santa Ana River because the ACLU has given them phones so they can be recorded. The language needs to point out how fast the response times should be and who will maintain the trails given the limited resources and manpower cities have. There is a lot of work to be done and concern about the bike path on Carbon Creek.

Chairman Caldwell closed the public hearing.

Commissioner Dalati stated feels the homeless issue is affecting this project and they need to face the problems together and offered a motion, seconded by Commissioner Henninger and the motion carried, recommending that the Planning Commission adopt the resolution attached to the April 17, 2017 staff report, determining that an Addendum to the previously-certified Program Environmental Impact Report No. 330 (PEIR 330) and Supplemental Environmental Impact Report N. 346 (SEIR 346) is the appropriate environmental document for this project and that none of the conditions set forth in sections 15162 or 15163 of the State CEQA Guidelines calling for the preparation of a Subsequent Environmental Impact Report or a Supplement to PEIR 330 or SEIR 346 have occurred and approving General Plan Amendment No. 2017-00513, Miscellaneous Case No. 2017-00651 (DEV2017-00007).

Eleanor Morris, Secretary announced that the resolutions passed with six yes votes. Chairperson Caldwell and Commissioners Bostwick, Dalati, Henninger, Lieberman and Seymour voted yes. Commissioner Carbajal was absent.

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**OPPOSITION:** Two persons spoke expressing opposition related to the proposed request.

Two comment letters were received; and two pieces of written correspondence were received in response to staff's comment letters.

Two pieces of written correspondence were received expressing concerns related to the proposed request.

**IN GENERAL:** A person spoke in general to the proposed request.

**DISCUSSION TIME:** 48 minutes (5:54 to 6:42 p.m.)