

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-7 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JANUARY 19, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Ethan Edwards, Andrew Gonzales, Judy Demers
(recording secretary)

MINUTES: March 3, 2010
May 5, 2010
May 19, 2010
July 7, 2010

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 10-013 (NGUYEN RESIDENCES – CONTINUED FROM THE NOVEMBER 17, 2010 MEETING)

APPLICANT: Thom Jacobs, Architect, 202 Alabama Street
PROPERTY OWNER: Xuan Mai Nguyen, 16761 Tim Lane, Lake Balboa, CA, 91406
REQUEST: To permit the construction of two (2) detached multi-family dwelling units with an overall height of 35 ft
LOCATION: 17102-17112 Bolsa Chica Street, 92649 (east side of Bolsa Chica Street, south of Warner Avenue))
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, stated that the applicant had requested a continuance of the item to a date uncertain

AS THERE WAS A REQUEST FOR CONTINUANCE, THE PUBLIC HEARING WAS NOT OPENED

Mr. Ramos stated that he would continue the item as requested by the applicant

CONDITIONAL USE PERMIT NO. 2010-013 WAS CONTINUED TO A DATE UNCERTAIN.

ITEM 2: DRAFT MITIGATED NEGATIVE DECLARATION NO. 10-007/ COASTAL DEVELOPMENT PERMIT NO. 10-011 (MAGNOLIA OIL STORAGE TANKS DEMOLITION AND TRANSFER PIPING REMOVAL)

APPLICANT/
PROPERTY
OWNER:
REQUEST:

Thomas McLane, Plains All American Pipeline

MND: To analyze the potential environmental impacts associated with the implementation of the proposed project. **CDP:** To permit the demolition and removal of three empty above-ground oil storage tanks, approximately 2,342 linear feet of above-ground transfer piping and ancillary site improvements at a former oil storage and pumping facility.

LOCATION:

21845 Magnolia Street, 92646 (northwest of Banning Avenue and Magnolia Street intersection)

PROJECT PLANNER:

Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

THE PUBLIC HEARING WAS OPENED.

Thomas Mclane, applicant, stated that he had no comments or concerns with staff's recommended conditions.

Jack Kirkhorn, Huntington Beach resident, stated he does not oppose the project but has concerns related to the possibility of oil residue remaining in the pipelines, as well as future monitoring of the remaining pipelines.

Thomas Mclane explained that the pipelines which border the project will be put on an inactive status. The pipelines would be monitored periodically by the State Fire Marshall. He further explained the process used for cleaning inactive pipelines with the use of nitrogen.

Gordon Smith, Wetlands Conservancy, stated he has concerns that the pipelines which cross over part of the wetlands area will be abandoned which would have a negative impact. He is hoping for a condition that would require the applicant to remove the pipelines if they are going to be abandoned.

Ricky Ramos, Zoning Administrator, explained that he does not have the authority to impose a condition requiring the removal of the pipeline, which crossover part of the wetlands, should they be abandoned.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request and change condition no. 4(j) to condition no. 5 and adding condition no. 7.

DRAFT MITIGATED NEGATIVE DECLARATION NO. 10-007/ COASTAL DEVELOPMENT PERMIT NO. 10-011 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MITIGATION MEASURES. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 10-007:

1. The Mitigated Negative Declaration No. 10-007 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 10-011.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential impacts associated with the release of hazardous materials due to on-site soil contamination.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The proposed project involves the demolition and removal of three empty above-ground crude oil storage tanks, approximately 2,342 linear feet of above-ground transfer piping, and ancillary site improvements at a former oil storage and pumping facility. The facility previously operated as an oil storage and transfer station. It is currently a functioning facility, but used infrequently for oil storage. The project proponent does not propose any new uses or redevelopment of the site, and upon completion of the project, the site would remain vacant. The site has been identified as containing potentially hazardous materials in the form of lead-based paints, asbestos, and hydrocarbon soils contamination. The potential upset of or accidental release of hazardous materials would be a potentially significant impact. However, with compliance with City specifications and Occupational Safety and Health Administration (OSHA) and South Coast Air Quality Management District (SCAQMD) regulatory requirements, impacts from the release of hazardous materials (lead-based paints and asbestos), would be reduced to a less than significant level. All potential impacts resulting from activities associated with the project can be adequately mitigated.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-011:

1. Coastal Development Permit No. 2010-011 for the demolition and removal of three above ground oil storage tanks and ancillary transfer piping conforms with the General Plan, including the Local Coastal Program land use designation of Public as well as Coastal Element Objective C. 4.7: Improve the appearance of visually degraded areas within the Coastal Zone. The project is consistent with Coastal Element Objective C 8.4.1 to promote aesthetic and environmental compatibility between oil activities and other uses through measures such as fencing, planting, and landscaping, screening and buffering. The

proposed demolition will occur on a developed utility fuel storage site that is visible from Pacific Coast Highway and adjacent to existing residential development. Implementation of the proposed project would eliminate the oil storage tanks' intrusion into the Pacific Coast Highway view corridor and prevent visual incompatibility with surrounding uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project would not conflict with applicable planning documents and policies. New construction is not proposed as a part of the project request, and the project would not affect the development standards of the base zoning district.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project would result in the removal of three existing above ground oil storage tanks and ancillary transfer piping on a developed site previously operating as an oil storage and transfer facility. The project would not result in a need for new infrastructure and would not be inconsistent with the Local Coastal Program.
4. The proposed project complies with the public access and public recreation policies of Chapter 3 of the California Coastal Act, and will not impede public access, recreation, or views to coastal resources. All demolition activity and staging of equipment and vehicles will occur on-site and not encroach into the public right-of-way.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the onset of ground disturbing activities, the applicant shall comply with the following mitigation measure which entails soils testing plans and remediation reports required to reduce the potentially significant impacts from the release of hazardous materials due to on-site soil contamination to a less than significant level:
 - a. A soil testing plan conforming to *City Specification No. 431-92, Soil Cleanup Standards* shall be submitted to the Fire Department for review and approval. The testing results shall be jointly reviewed and approved by the Fire and Public Works Departments.
 - b. A Remediation Action Plan (RAP) shall be submitted to the Fire Department based on requirements found in Huntington Beach *City Specification No. 431-92, Soil Cleanup Standards*. The plan shall include methods to minimize remediation-related impacts on the surrounding properties. Qualified and licensed professionals shall perform the remediation activities and all work shall be performed under supervision of the City of Huntington Beach.
 - c. Closure reports or other reports acceptable to the Fire Department that document the successful completion of required remediation activities for the contaminated soils, in accordance with *City Specification No. 431-92*, shall be submitted to and approved by the Fire Department prior to issuance of grading permits.
 - d. The applicant shall submit the RAP to other County or State agencies as necessary. The applicant shall coordinate other applicable agency permit and oversight requirements with the Fire Department.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-011:

1. The site plans received and dated June 29, 2010, shall be the conceptually approved demolition plans.
2. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - c. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - d. All asbestos shall be removed from all structures prior to the demolition or removal of any portion of any structure.
 - e. Any truck haul route plan as required by the project Code Requirements shall also depict locations designated for truck staging and queuing. **(PW)**
3. At least 14 days prior to any demolition and grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning & Building Department.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.

- f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
 - h. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction and Demolition and City Specification No. 426, Fire Safety Requirements for Construction Sites. **(FD)**
 - i. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification No. 431-92 Soil Clean-Up Standards. **(FD)**
5. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**
 6. Prior to final inspection or closeout of the project, any damage to existing public improvements (curb, gutter and sidewalk) adjacent to the subject site's existing driveway approach to Magnolia Street shall be removed and replaced per City Public Works Standard Plans. **(PW)**
 7. Coastal Development Permit No. 10-011 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:59 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 2, 2011, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd