

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 15, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Hayden Beckman, Jennifer Villasenor, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 10-005 (JADE BUDDHA EXHIBITION):

APPLICANT: Kathy Pham, Compassionate Eyes, Inc.
PROPERTY OWNER: Sangha Center for Spiritual Living, 7641 Talbert Avenue, Huntington Beach, CA 92684
REQUEST: To permit a Jade Buddha exhibition which consists of meditation training classes, Dharma talks, and related activities. The event will occur for a period of 11 days, from November 5, 2010 through November 15, 2010.
LOCATION: 7641 Talbert Avenue, 92648 (northwest corner of Talbert Avenue and Brookshire Lane)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, 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.

Ms. Nguyen stated that staff had received one inquiry regarding the size of the event.

Ricky Ramos, Zoning Administrator, verified the varied hours of the event with staff.

THE PUBLIC HEARING WAS OPENED.

Hillary Tran, representative for the applicant, provided staff with an overview of the scope of the event including the operating hours and parking arrangements.

Mr. Ramos, asked the applicant's representatives if they had any questions or concerns with staff's recommendations.

Mr. Tran, representing the applicant stated that he had no comments or concerns about the request.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

TEMPORARY USE PERMIT NO. 10-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent impact on the environment are exempt from further environmental review.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 10-005:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses, and consistent with the following General Plan objective and policy:

Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

The temporary use permit will provide a balance of land uses by establishing a recreational/cultural use on an existing church site. The Jade Buddha exhibition will provide opportunities, free of charge to the public, for meditation training classes, Dharma talks, and lectures on Buddhism. The event will be compatible with the surrounding uses and character of the area because the project site is located in an area with a mix of industrial, commercial, cultural, and residential uses. It will not alter the existing property or physical improvements in the surrounding area because the event is temporary in nature.

2. Approval of the application to permit a Jade Buddha exhibition for a period of 11 days, from November 5, 2010, through November 15, 2010, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The temporary use will occur on a site containing an existing church, which is surrounded by industrial uses. The applicant will provide adequate traffic controls and security measures to mitigate potential impacts to the surrounding area. To minimize any

associated parking impacts, organizers will direct visitors through event announcements to utilize alternative means of transportation via a shuttle service made available at four offsite temple locations. Two onsite security guards will be present on a 24-hour basis for the duration of the temporary event. The temporary nature of the event will not alter the subject site.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 10-005:

1. The site plan received and dated July 23, 2010 shall be the conceptually approved design.
2. The loading and unloading of passengers by shuttle buses shall not interfere with any ongoing operations of the Orange County Transportation Authority (OCTA) bus stop on Talbert Avenue. (PD)
3. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
4. The Director of Planning and Building ensures that all conditions of approval herein are complied with. At the discretion of the Directors of Public Works and Planning and Building, the conditions of approval contained herein may be modified. The Director of Planning and Building shall be notified in writing if any changes to the site plan and list of activities are proposed as a result of the ongoing operation and oversight of the event.
5. In the event that there are any violations of the foregoing conditions or any violations of life and safety code, the temporary event may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning and Building.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating/>).

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.

ITEM 2: MITIGATED NEGATIVE DECLARATION NO. 10-006 (HUNTINGTON BEACH MUNICIPAL SOLAR PROJECT)

APPLICANT: Aaron Klemm, City of Huntington Beach
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
REQUEST: To analyze the potential environmental impacts associated with the installation of photovoltaic panels on new carports and existing rooftops, and associated accessory equipment at eight municipal facilities within the City of Huntington Beach
LOCATION: 18120 Goldenwest Street, 92647 (Sports Complex), 17371 Gothard Street, 92647 (City Yard), 19001 Huntington Street, 92648 (City Water Yard), 2000 Main Street, 92648 (City Hall and Police Building/ Corporate Yard), 7000 Norma Drive, 92647 (Murdy Community Center), 6401 Overlook Drive, 92648 (City Reservoir), 14627 Springdale Street, 92647 (City Reservoir), 7111 Talbert Avenue, 92648 (Central Library)
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 mitigation measures as presented in the executive summary.

Mr. Beckman stated that staff had received one public inquiry.

Mr. Ramos stated he had no questions.

THE PUBLIC HEARING WAS OPENED.

Mr. Lopez, currently residing on Huntington Street, expressed concern related to potential impacts related to glare from the solar panels..

Mr. Beckman stated that staff does not anticipate any issues with glare from the solar panels.

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

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with minor changes to suggested mitigation measure no. 3.

MITIGATED NEGATIVE DECLARATION NO. 10-006 WAS 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) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 10-006:

1. The Mitigated Negative Declaration No. 2010-006 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 Negative Declaration.
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 to nesting habitat for bird species protected by the Migratory Bird Treaty Act, removal and/or relocation of onsite trees, protection of the Central Library as a historical resource, and the potential discovery of archaeological or paleontological resources during ground-disturbing activities.
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 for Mitigated Negative Declaration No. 2010-006, will have a significant effect on the environment.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the onset of ground disturbing activities, the City shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation:
 - a. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
 - b. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified on site (per established thresholds), a 250 foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
 - c. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist. **(Mitigation Measure)**
2. Installation of photovoltaic panels at sites 1, 2, 3, 4, and 8 would involve the removal/relocation and/or trimming of landscape trees. Approximately 93 total trees will be removed and/or relocated and 146 trees are scheduled to be trimmed throughout the project sites. The City of Huntington Beach Tree Ordinance (Chapter 13.50 of the Huntington Beach Municipal Code) requires the applicant to submit an application for a permit from the Public Works Department for any activity that may disturb trees. **(Mitigation Measure)**

3. Construction of the project would be subject to standard City requirements for the submittal of landscape plans demonstration compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio. Approval of trimming, removing, or replacing trees by the Director of Public Works in association with replacement requirements would ensure that the proposed project would not conflict with any local policies or ordinances protecting biological resources. To assist the City in monitoring compliance, the following shall be followed:
 - a. The trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
 - b. The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the Public Works Department.
 - c. The trees shall be surveyed every six months for a period of four years as to their viability. The survey shall be submitted to the City for review and approval.
 - d. In the event that any tree is determined not to be surviving, it shall be replaced with the same type and size of tree. A letter shall be submitted from the applicant stating that the recommendations of the Consulting Arborist will be followed. **(Mitigation Measure)**
4. The proposed design and placement of panels upon the rooftop of the Central Library (Site 2), shall be undertaken in a manner that would prevent the panels from being visible to observers on the ground such that the installation would not change the appearance of the building for the majority of viewers (excluding rooftop views). The installation shall be designed and installed in a manner that does not prove injurious to the landmark structure both during construction and in the long term during operation. A historic preservation professional shall be consulted during preparation of the final design and shall provide a letter documenting that the design meets the intent of this mitigation measure. The letter shall be submitted to the Director of the Planning and Building Department for review and approval prior to issuance of a grading permit. **(Mitigation Measure)**
5. If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until a qualified archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design and recovery plan for the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach. **(Mitigation Measure)**
6. In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find

shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials. **(Mitigation Measure)**

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.

ITEM 3: MITIGATED NEGATIVE DECLARATION NO. 09-001 (ATLANTA AVENUE WIDENING)

APPLICANT: Jonathan Claudio, City of Huntington Beach – Public Works Department
PROPERTY OWNER: Atlanta Avenue ROW: City of Huntington Beach; Pacific Mobile Home Park: Pacific Mobile Home Park, LLC, 80 Huntington Street, Huntington Beach, CA 92648
REQUEST: To analyze the potential environmental impacts associated with a proposal to widen the south side of Atlanta Avenue, between Huntington Street and Delaware Street, to comply with the primary arterial street classification in the General Plan Circulation Element)
LOCATION: Atlanta Avenue right-of- way: Between Huntington Street and Delaware Street; Pacific Mobile Home Park: 80 Huntington Street (south side of Atlanta Avenue, between Huntington Street and Delaware Street)
PROJECT PLANNER: Jennifer Villasenor

Jennifer Villasenor, Associate Planner, 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.

Ms. Villasenor stated that staff had received five letters regarding the project. Two of the five letters were from state agencies. The first Caltrans, who stated they had no comments with the project and the second was from the Native American Heritage Committee, which was a standard letter detailing the necessary steps required in the event remains are discovered during construction. A resident commented that the number of residents impacted should be 16 instead of the 14 as indicated in staff's report.

Mr. Ramos stated he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Mr. James Villareal, a resident of the park, asked when the project would begin and if there is a plan for relocating impacted residents.

Tony Olmos, representing the City of Huntington Beach, explained the entire process for this project could take up to two years to complete. Construction is scheduled to begin in 2013. He explained that although funds are currently not available to study the relocation of residents, the City of Huntington Beach will follow all Relocation Act guidelines.

Mr. Ed Pike, resident of the park, stated that the new signal light located at the project site, seems to be unnecessary since it would be removed for the project.

Mr. Olmos explained that the signal was a condition placed on the developer of Pacific City and due to the uncertainty of the proposed project's start date, the City had the signal installed.

Ms. Victoria Van Wells, resident of the park, asked if it was known how long the project would take to complete once it was started.

Mr. Olmos, stated the project would take approximately eight months to complete.

Ms. Van Wells, asked when this item would be brought back to a public hearing.

Mr. Ramos stated that the Coastal Development Permit and the Conditional Use Permit will be brought before the Planning Commission at a future date and the public will be noticed.

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

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff.

MITIGATED NEGATIVE DECLARATION NO. 09-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE 09-001:

1. Mitigated Negative Declaration No. 2009-001 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 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration.
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 construction noise and pollutant emissions and potential impacts to biological resources, cultural resources and population and housing. Mitigation measures were generally designed to minimize construction related impacts within and surrounding the project area as well as ensure that relocation of the impacted residents complies with the provisions of existing federal laws enacted to ensure that people whose real property is acquired, or who move as a result of projects receiving federal funds, will be treated fairly and equitably.
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 will widen Atlanta Avenue between Huntington Street and Delaware Street to comply with the primary arterial street classification in the General Plan Circulation Element. As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped median. Currently, the subject segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street. Additional project benefits include construction of a new ADA accessible sidewalk and Class II bike lane and improvements to an existing Orange County Transportation Authority (OCTA) bus stop along the south side of Atlanta Avenue. The subject segment of Atlanta Avenue does not currently have a sidewalk or designated bike lane. Because the current roadway narrows at the intersection of Huntington Street and Atlanta Avenue, traffic flow is often impeded when the bus makes stops at this location. In addition, bicyclists are currently forced into travel lanes due to the roadway narrowing and the existing transit stop configuration. The project would improve the current conditions with the installation of the proposed *improvements*

and would improve traffic safety for pedestrians, bicyclists and transit users traveling within the project area. Finally, all potential impacts resulting from construction of the project can be adequately mitigated.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Upon Federal authorization to proceed with right-of-way acquisition, the City shall commence with acquisition and relocation in accordance with the provisions of the Federal Uniform Act. Notification to and discussions with the impacted residents shall occur as soon as feasibly possible pursuant to the Federal Uniform Act. The City shall ensure that a relocation plan is prepared prior to final project plans and relocation is implemented in accordance with the Federal Uniform Act.
2. The City shall require, by contract specifications, implementation of the following measures:
 - a. All work shall be done in accordance with the "GREENBOOK" Standard Specifications for Public Works Construction, 2009 Edition, as written and promulgated by Public Works Standards, Inc.
 - b. The construction contractor shall not discharge smoke, dust, equipment exhaust, or any other air contaminants into the atmosphere in such quantity as will violate any federal, State or local regulations. (Greenbook Section 7-8.2)
 - c. The contractor shall comply with Caltrans' Standard Specification Section 7-1.01F and Section 10 of Caltrans' Standard Specifications (1999).
 - d. The contractor shall apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions.
 - e. The contractor shall spread soil binder on any unpaved roads used for construction purposes and all project construction parking areas.
 - f. The contractor shall wash trucks as they leave the right-of-way as necessary to control fugitive dust.
 - g. The contractor shall properly tune and maintain construction equipment and vehicles and use low-sulfur fuel in all construction equipment as provided in the California Code of Regulations Title 17, Section 93114.
 - h. The contractor shall develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited re-vegetation of disturbed slopes as needed to minimize construction impacts to adjacent uses and residents.
 - i. The contractor shall locate equipment and materials storage as far away from residential as practical.
 - j. The contractor shall establish environmentally sensitive areas for receptors within which construction activities involving extended idling of diesel equipment would be prohibited to the extent feasible.

- k. The contractor shall use track out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.
 - l. The contractor shall require that all transported loads of soil and wet materials shall be covered prior to transport, or provide adequate freeboard to reduce PM₁₀ and deposition of particulate matter during transportation.
 - m. The contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling along local roads.
 - n. The contractor shall install landscaping as soon as practical after grading to reduce windblown particulate in the area.
 - o. The contractor shall implement a street sweeping program with Rule 1186-compliant PM₁₀-efficient vacuum units on at least a 14-day frequency.
 - p. The contractor shall abate dust nuisance by cleaning, sweeping and spraying with water, or other means as necessary. (Greenbook Section 7-8.1)
 - q. The contractor shall provide a self-loading motorized street sweeper equipped with a functional water spray system. The sweeper shall clean all paved areas within the work site and all pave haul routes at least once a day. (Greenbook Section 7-8.1)
3. Prior to the onset of ground disturbance activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation:
- a. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
 - b. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
 - c. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.
4. The City shall require by contract specifications the following measures:
- a. Ensure that all construction equipment has sound-control devices.
 - b. Prohibit equipment with un-muffled exhaust.

- c. Site staging of equipment as far away from sensitive receptors as possible.
 - d. Limit idling of equipment whenever possible.
 - e. Notify adjacent residents in advance of construction work.
 - f. Educate contractors and employees to be sensitive to noise impact issues and noise control methods.
 - g. Install temporary acoustic barriers between the mobile home removal and construction activities and the row of mobile homes to remain closest to Atlanta Avenue. Acoustical barriers should provide a Sound Transmission Class Rating of 25 and should be situated in a manner to provide an uninterrupted continuous barrier between all mobile home removal and road construction activities. During the mobile home removal activities, the barriers should stretch from the east edge of the property to the west and zig-zag between homes where necessary. After removal of the mobile homes and prior to construction of the drive aisle within the mobile home property, the barrier can be straightened to stretch more directly from the east property line to the west property line.
5. If cultural resources are encountered during construction-related ground-disturbing activities, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.
6. If human remains are discovered during construction or any earth-moving activities, the County Coroner must be notified of the find immediately. No further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The designated MLD may make recommendations to the City for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

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 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 22, 2010, AT 1:30 PM.

R Ramos

Ricky Ramos
Zoning Administrator

RR:jd

