

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rosemary Medel Associate Planner
DATE: March 3, 2010

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 2009-007 (ASCON LANDFILL-INTERIM REMOVAL MEASURES)**

LOCATION: 21641 Magnolia Street (southeast corner of Magnolia Street and Hamilton Avenue)

Applicant: Tamara Zeier, Project Navigator, One Point Drive, Suite #320, Brea, CA 92821

Property Owner: Cannery Hamilton Properties, LLC, c/o Glenn Anderson, 6111 Bollinger Canyon Rd., Rm BYY1-3456, San Ramon, CA 94583

Request: To permit the Interim Removal Measure of tarry materials from two interior lagoons in the southwest area of the Ascon Landfill site to enable assessment of the materials underneath the lagoons. This request shall provide a more complete assessment and analysis of the necessary onsite remediation activities in an effort to protect public health and safety and the environment.

Environmental Status: This request is covered by Categorical Exemption, Section 15330, Class 30, California Environmental Quality Act.

Zone: SP10-CZ (Magnolia Pacific Specific Plan – Coastal Zone Overlay)

General Plan: RM – 15 – SP (Residential Medium Density – Maximum 15 Units Per Acre – Specific Plan Overlay)

Existing Use: Vacant Land- Former Landfill

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds because the Department of Toxic Substances Control is the lead agency and is processing a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines the project is exempt from any additional CEQA provisions imposed by the City of Huntington Beach. The City finds that this project is exempt pursuant to Section 15330 of the California Environmental Quality Act because the project will

mitigate the future remediation of the site upon the analysis conducted as part of this Interim Removal Measure analysis.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-007:

1. Coastal Development Permit No. 2009-007 for the Interim Removal Measure, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 8.3.12 to protect against the spillage of crude oil, gas, petroleum products, or hazardous substances. The project provides for effective containment and cleanup facilities and procedures for accidental spills, which may occur.
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 as proposed is to remove and recycle to the greatest extent feasible tarry liquids, including potential onsite treatment to increase recyclability (e.g., water removal, sediment removal), if necessary. Also, the removal and disposal of tarry liquids at an offsite disposal facility, including firming or drying through addition of soil/soil mixing and/or addition of firming or drying agent prior to removal from the site, if necessary, excavation, and disposal.
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 project does not include development. Development will not occur until the site is remediated and released for construction by the Department of Toxic Substances Control. No infrastructure is required to serve the project site.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site consists of a toxic dump site. No public access to the site is required or desirable, no public recreation facilities exist at the site and no opportunities for providing public recreation facilities at this site are present. The project will not alter public views to coastal resources.

SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2009-007:

1. Prior to the issuance of permits, the following shall be completed:
 - a. The revised Interim Removal Measure dated October 2009, shall be the conceptually approved Coastal Development Permit project. The final version of the workplan shall be submitted for Public Works review.
 - b. The “Draft Interim Removal Measure (IRM) Workplan: Lagoons 1 and 2” dated October 2009 is approved in concept. The final version of the workplan shall be submitted for Public Works review and approval. **(PW)**
 - c. The applicant shall demonstrate that coverage has been obtained under California’s General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste

2. Prior to the commencement of work and/or any construction activities, the following shall be completed:
 - a. Approval of the Interim Removal Measure shall not be in effect until the Department of Toxic Substances Control has taken action on the Mitigated Negative Declaration, which the City of Huntington Beach shall receive a copy of prior to commencement of any work on the site.
 - b. If the operations described in the approved Interim Removal Measure Workplan necessitate a grading permit pursuant to the City of Huntington Beach Municipal Code, Chapter 17.05 (Grading and Excavation), then a grading permit shall be issued by the Public Works Department. **(PW)**
3. Any truck haul route plan as required by the project Code Requirements shall also depict locations designated for truck staging and queuing.
4. The condition of the existing pavement on Hamilton Avenue shall be evaluated before and after the completion of work, and based on mutual review by the applicant and the City of Huntington Beach; the applicant shall reimburse the City for proportionate share of pavement deterioration caused by the proposed project. **(PW)**
5. If any mature trees are to be removed, the applicant shall provide a consulting arborist report on all existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545). **(PW)**
6. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545) **(PW)**

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.