



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Howard Zelefsky, Director of Planning  
**BY:** Ricky Ramos, Associate Planner  
**DATE:** May 27, 2003

**SUBJECT: CONDITIONAL USE PERMIT NO. 02-04/COASTAL DEVELOPMENT PERMIT NO. 02-05 (Poseidon Seawater Desalination Plant)**

**APPLICANT:** Poseidon Resources Corporation, 3760 Kilroy Airport Way, #260, Long Beach, CA 90806 Contact Person: Josie McKinley

**PROPERTY**

**OWNER:** AES Huntington Beach, LLC, 21730 Newland Street, Huntington Beach, CA 92646

**LOCATION:** 21730 Newland Street (East side of Newland, south of Edison Ave)

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**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 request:
  - To permit a seawater desalination plant which includes construction of a 10,120 square foot administration building, a 38,090 square foot reverse osmosis building, a 36,305 square foot product water storage tank, and miscellaneous accessory structures to produce 50 million gallons per day (MGD) of potable water.
  - Improvements also include water transmission lines to an existing regional transmission system and perimeter landscaping and fencing along the project's frontage on Newland Street and Edison Avenue.
  
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 based upon the following:
  - The project is compatible with surrounding uses and is buffered from residential and other sensitive uses by significant setbacks, perimeter landscaping, and fencing.
  - The project will improve the appearance of the area by demolishing three existing 40-foot high fuel storage tanks and replacing them with lower profile, modern, and more attractive structures.
  - The proposed structures are in substantial compliance with the Design Guidelines by employing variations in form, building details, colors, and materials that create visual interest. The design is carried through all the structures including the architectural screen for all the tanks for a unified theme. This coupled with the 10-foot perimeter landscape planter and screen wall will enhance the overall appearance of the site compared to the existing condition.
  - All other impacts pertaining to noise, light/glare, odors, and use of chemicals are addressed to avoid detrimental impacts to the area.
  - The project is consistent with the General Plan Land Use designation of P (Public) for the site.

- The project is consistent with General Plan and Coastal Element goals, policies, and objectives.
- The project conforms to the requirements of the Coastal Zone Overlay and will not impede access to the coast or any public recreation opportunities in the area.

**RECOMMENDATION:**

Motion to:

- A. “Approve Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 with staff recommended findings and suggested conditions of approval (Attachment No. 1).”
- B. “Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 5).”
- C. “Approve the Mitigation Monitoring and Reporting Program (Attachment No. 6).”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 with findings for denial.”
- B. “Continue Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Conditional Use Permit No. 02-04 pursuant to Section 214.06 and Coastal Development Permit No. 02-05 pursuant to Chapter 221 and Section 245.06 of the HBZSO represent a request to construct the following:

- A seawater desalination plant which includes construction of a 10,120 square foot administration building, 38,090 square foot reverse osmosis building, 36,305 square foot product water storage tank, and other miscellaneous accessory structures to produce 50 million gallons per day of potable water;
- Perimeter landscaping and fencing along the project’s frontage along Newland Street and Edison Avenue; and
- Up to four miles of underground water transmission lines in the city, one mile of which will be within the Coastal Zone boundary, to connect to an existing regional water transmission system.

The desalination plant proposes to take raw seawater from the Pacific Ocean through the AES generating station intake line and purify it using reverse osmosis (reverse osmosis is the process of pushing seawater through synthetic membranes to remove salt and other solids) to produce drinking water. The power plant circulates up to 507 MGD of cooling water. The applicant proposes to take approximately 100 MGD of the cooling water after it has passed through the AES cooling condensers and produce 50 MGD of

drinking water for use in Orange County. The remaining 50 MGD of concentrated cooling water (brine byproduct) will be discharged and blended with about 407 MGD of the AES cooling water via the existing AES outfall pipe extending approximately 1,500 feet offshore.

Pipelines will be constructed on the existing AES power plant site to connect the proposed desalination plant to the existing AES ocean intake and outfall lines. No changes are proposed to the coastal/marine portion of the existing AES intake and outfall. An underground water transmission line will be constructed from the desalination plant to the closest regional distribution line located in Costa Mesa (see Attachment No. 2). The segment located within Huntington Beach will be approximately four miles long, one mile of which will be within the Coastal Zone boundary, and will be located entirely within the existing public right-of-way along Newland Street, Hamilton Avenue and potentially Brookhurst Street and Adams Avenue.

Poseidon Resources Corporation proposes to lease two areas totaling 11 acres from a 19-acre AES generation station parcel on Newland Street to construct the desalination plant (see Attachment No. 2). The first lease area is approximately seven acres in size and is located along the east end of the property away from the Newland Street frontage. This area is presently developed with two 40-foot high fuel storage tanks and a concrete containment berm. Both tanks as well as the interior portions of the 10 to 12 foot high concrete berm are proposed to be demolished. This area is proposed to contain the administration building, reverse osmosis building, pretreatment filters, solids handling building, various storage tanks, and other accessory structures. Retaining walls will be constructed to provide access openings to these areas where the concrete berm will be demolished. The site will be remediated to address any contamination from the previous use.

The second lease area is approximately 4 acres in size and is located near the intersection of Newland Street and Edison Avenue. This area is presently developed with another 40-foot high fuel storage tank and concrete containment berm. The tank and the interior portions of the concrete berm in this area are also proposed to be demolished. The applicant proposes to construct a new 30-foot high water storage tank, lime silos, a small ammonia tank, and a pump station in this area.

The plant will operate 24 hours, seven days a week. The facilities will staff approximately 12 to 18 people with the largest shift at 6 to 8 staff during the day. The nighttime and weekend shifts will have 2 to 4 staff members on site. In addition to employee vehicular traffic, project operation will require approximately three truck trips per day. The applicant has indicated that the request is necessary to provide a new water supply source into the area that is reliable and drought proof (see Attachment No. 3 - Narrative).

The proposed plant includes the following structures:

<b>Building Name</b>	<b>Area (sq ft)</b>	<b>Height (ft)</b>	<b>Type of Construction</b>	<b>Notes</b>
RO Building	38,090	25' – 0"	Type II – EFIS	Houses RO Membrane Equipment and Pumps
Pretreatment Filters	38,270	16' – 0"	Cast-in-Place Concrete	Open-air structure that houses gravity media filters similar to a conventional water treatment plant
Administration Building	10,120	18' – 0"	Type II – EFIS	Multi-function building that houses administrative offices, maintenance shop, electrical room, lockers, control room, and a water quality laboratory
Solids Handling Building	7,590	21' – 0"	Type II – EFIS	Houses bell filter presses and chemical feed equipment used to treat solids removed in the pretreatment process
Electrical Building and Sub-Station	1,800	12' – 0"	Type II – EFIS	Houses main plant transformer and switch gear
Chemical Storage	4,368	23' – 0"	Type II – EFIS Canopy	Houses bulk water treatment chemical tanks
Lime Storage Area	4,560	26' – 0"	Welded Steel	Open-air structure for lime silos
Ammonia Tank	28	6' – 0"	High density polyethylene or fiberglass reinforced polyester	1,000 gallon ammonia storage tank
Washwater Tank	1,590	19' – 0"	Welded Steel	Process water storage tank
Flush Tank	491	29' – 0"	Welded Steel	Process water storage tank
Influent Pump Station	1,880	Below grade	Cast-In-Place Concrete	Location of the influent pumps and wet well. The pumps, piping, and other mechanical equipment are above grade
Product Water Pump Station	650	Below Grade	Cast-In-Place Concrete	Location of the product water pumps. The pumps, piping and other mechanical equipment are above grade
Product Water Storage Tank	36,305	30' above grade, 10' below grade	Cast-In-Place Concrete	10-MG water storage tank.

## **Project Phasing**

The total demolition, remediation, and construction process of the proposed project is anticipated to last approximately 24 months. This time frame includes time necessary to acquire all required agreements, permits, and approvals. Project phasing for the components affecting Huntington Beach would be divided into two separate categories, composed of the following:

*On-Site Desalination Facility Construction:* This portion of the proposed project would last approximately 24 months, and would include such activities as on-site demolition, grading/excavation, construction of desalination facilities, landscaping, and facility startup/testing. Import and export of earthen materials would occur primarily during the first six months and last four months of this phase of the project.

*Off-Site Product Water Transmission Pipeline Construction:* This portion of the project would last approximately 21 months (includes pipeline segment in Costa Mesa), and would start about three months after the beginning of on-site desalination facility construction. This phase would include such activities as pipeline installation, implementation of pipeline under waterways/major roadways, soil remediation, removal of pipeline, and facility startup/testing. Import and export of earthen materials would occur primarily during the middle 12 months of this phase.

## **Required Approvals**

The proposed desalination plant requires many approvals prior to construction and operation. Some of these approvals are from other agencies that will be reviewing certain aspects of the project for compliance with local, State and Federal standards. The following is an overview of the required permitting processes:

- City of Huntington Beach – EIR certification, CUP, and CDP for the desalination facility and underground water lines.
- California Coastal Commission – CDP for utilizing the existing AES ocean intake and outfall lines for mining ocean water and discharging into the ocean.
- Santa Ana Regional Water Quality Control Board – NPDES permit to discharge the brine byproduct water through the existing AES ocean outfall line in the ocean.
- City of Huntington Beach – Franchise Agreement for use of City right-of-way/Public Improvement Plans
- City of Huntington Beach – Building Permits for construction of structures and tanks on-site.
- Various Agencies – Encroachment Permits for work in public right-of-way areas
- South Coast Air Quality Management District – Permit to operate.
- State of California Department of Health Services – Drinking water permit to assure quality of potable water.

For more information, please see Attachment No. 4 (Page 168 of the EIR Errata dated May 12, 2003) of the Planning Commission Staff Report for the Poseidon EIR No. 00-02.

## **Background on Desalination**

Currently, Southern California relies on local and imported water sources including local ground water, recycled water, water conservation, the Los Angeles Aqueduct (operated by the Los Angeles Department of Water and Power), the State Water Project (operated by the Department of Water Resources), and the Colorado River Aqueduct (operated by the Metropolitan Water District). The U.S. Department of the Interior has ordered California to reduce its take of Colorado River water by almost one-fifth, which means that while Southern California's population continues to rise, the availability of imported water will be reduced.

While water conservation efforts have resulted in successfully stretching the existing water supplies and more gains from conservation are projected for the future, the California Department of Water Resources predicts the Southern California region will face significant water shortages by the year 2020 unless alternative methods are explored. In Orange County, the local ground water aquifer is currently overdrawn by over 133 billion gallons and needs to be replenished. The Orange County Water District, which manages the aquifer, recently presented its view of the water situation to the City and expressed concern about the reliability of future supply to meet local needs.

Desalination serves as an alternative water source solution against drought conditions like Southern California has seen over the past four years. The Metropolitan Water District (MWD) is encouraging the development of local water projects so the region has more flexibility in its water supply choices. MWD has identified desalination as a technology that is part of its Integrated Water Resources Plan (IRP). Poseidon Seawater Desalination Project represents an opportunity to purify approximately 56,000 acre-feet per year, or approximately one-fourth of the need quantified in MWD's IRP.

Desalination has not been readily used in the United States because the cost has been too high. However, recent improvements have made desalination projects much more affordable. For example, technological advances in the membranes used to filter out salts and solids have significantly reduced the amount of energy needed, while the cost for providing and installing reverse osmosis membranes has also been reduced. Another cost saving is the co-locating of seawater desalination facilities at existing coastal plant sites, thereby avoiding the construction of new intake and outfall facilities.

Since 1989, 14 seawater reverse osmosis plants have been built or proposed in California (see Attachment No.7). Desalination plants have also come online in several places including Riverside, San Bernardino, and San Diego counties treating brackish water. An example of a coastal desalination plant is that of the City of Santa Barbara which built and operated a plant in the early 1990s. However, the plant was shut down after a few months due to cost. The nation's largest desalination plant was recently completed in Tampa Bay and has a capacity of 25 MGD. This facility became necessary because much of the region's groundwater was being consumed by the population that fragile ecosystems were being dramatically altered.

The production of potable water using desalinated seawater is just one part of the solution to meet existing and future water needs in Orange County and the surrounding Southern California region. Other water supplies such as imported water, groundwater replenishment, water reuse, and more aggressive forms of conservation must also be considered as part of the solution.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property and South of Subject Property	P (Public)	PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay)	AES Generating Station
North of Subject Property (across from Edison Ave)	I-F2-d (Industrial)	IG-O-CZ-FP2 (General Industrial)	Animal Hospital, Industrial, Beach Maintenance Facility
East of Subject Property	RM-15-sp (Residential Medium Density), P (Public)	SP-10 (Magnolia Pacific Specific Plan), PS-O-CZ-FP2	Flood control channel, ASCON-NESI landfill, Tank Farm, Wetland
West of Subject Property (across from Newland St)	RM-15	IL-O-CZ-FP2 (Limited Industrial), RMP-CZ-FP2 (Manufactured Home Park)	Vacant, Mobile Home Park, RV Park

**General Plan Conformance:**

The proposed project is consistent with the Land Use designation and the goals, policies, and objectives of the City’s General Plan as follows:

A. Land Use Element

LU 2 - Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

LU 4.1.1 - Require adherence to or consideration of the policies prescribed for Design and Development in this Plan, as appropriate.

LU 4.1.2 - Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

LU 4.2.1 - Require that all structures be constructed in accordance with the requirements of the City’s building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

LU 4.2.4 - Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

LU 7.1.1 - Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

LU 12.1.4 - Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.

LU 12.1.5 - Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a. use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass; b. architectural design treatment of all building elevations; c. use of landscaping in open spaces and parking lots, including broad landscaped setbacks from principal peripheral streets; d. enclosure of storage areas with decorative screening or walls; e. location of site entries to minimize conflicts with adjacent residential neighborhoods; and f. mitigation of noise, odor, lighting, and other impacts.

LU 12.1.7 - Control the development of industrial uses that use, store, produce, or transport toxins, generate unacceptable levels of noise or air pollution, or result in other impacts that may adversely impact Huntington Beach.

LU 13.1.8 - Ensure that the City's public buildings, sites, and infrastructure improvements are designed to be compatible in scale, mass, character, and architecture with existing buildings and pertinent design characteristics prescribed by this General Plan for the district or neighborhood in which they are located, and work with non-City public agencies to encourage compliance.

The General Plan Land Use Map designation on the subject property is P (Public) which permits a variety of public and institutional uses such as governmental facilities and utilities. The proposed desalination plant is consistent with this designation. The proposed structures are compatible with the surroundings because they are lower in height and have a more attractive design consistent with the General Plan and Design Guidelines. The new structures include multiple building masses with architectural treatment that is carried throughout all the structures, including the architectural screen for the various tanks. This treatment provides for a cohesive appearance consistent with policies LU 12.1.4 and LU 12.1.5. The project will include adequate parking and landscaping pursuant to the zoning ordinance including at 10-foot landscape planter with an eight-foot high wall along the project's Newland and Edison street frontages to help screen the site. The new structures will be built according to the City's building and other pertinent codes and will include all necessary utility infrastructure needed to support the use. Pursuant to policies LU 12.1.5 and LU 12.1.7, impacts relating to noise, odor, lighting, and use of hazardous materials are addressed by code requirements, mitigation measures, and recommended conditions of approval.

#### B. Urban Design Element

UD 2.1: Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The proposed desalination plant structures will not impact public views to the coast. There are limited views across the AES generation station site due to the height of the existing structures. However, views will be improved to the extent that the new proposed desalination plant structures will have a lower profile than the existing fuel storage tanks proposed to be demolished.

### C. Circulation Element

CE 2.3 - Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

CE 2.3.1 - Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

CE 2.3.2 - Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles and pedestrians.

CE 2.3.3 - Require, where appropriate, an irrevocable offer of mutual access across adjacent non-residential properties fronting arterial roadways and require use of shared driveway access.

CE 2.3.4 - Require that new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

CE 7 - Maintain and enhance the visual quality and scenic views along designated corridors.

To improve circulation in the area, the property owner will be required to dedicate property along the project's frontage on Newland (10 foot dedication) and Edison (12 foot dedication) for street widening. In addition, the applicant will be required to improve the area to be dedicated on Edison as well as pay their fair share of the cost of widening Newland Street. The applicant will also be required to pay traffic impact fees to be used for improvements to the city's circulation system.

Consistent with policy CE 2.3.3, the applicant is proposing to access the site through the existing AES entrance off Newland Street to limit driveway access points onto arterials. Pursuant to Goal CE 7, the project is required to provide a 10-foot landscape planter along the perimeter of the site to enhance the appearance of the area. This landscaping improvement is required to be consistent with the approved landscaping improvements for the AES property for a cohesive appearance.

### D. Air Quality Element

AQ 1.8.1 - Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

AQ 1.8.2 - Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

The project will not be detrimental to the area because recommended conditions and mitigation measures will require the contractor to maintain equipment in peak operating condition, use low-sulfur diesel fuel in all equipment, shut off engines when not in use, and discontinue operation during second stage smog alerts. Furthermore, other measures will be required such as washing tires and undercarriages and covering all trucks leaving the construction site, and providing for street sweeping as needed.

E. Environmental Hazards Element

EH 1.2.1 - Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code (UBC).

The Building and Safety Department will require the applicant to comply with the Uniform Building Code. Also, recommended conditions and mitigation measures will require the applicant to submit a geotechnical report addressing a variety of issues including liquefaction and perform special studies and investigation to address fault rupture potential.

F. Noise Element

N 1.2.2 - Require new industrial and new commercial land uses or the major expansion of existing land uses to demonstrate that the new or expanded use would not be directly responsible for causing ambient noise levels to exceed an exterior Ldn of 65 dB(A) on areas containing “noise sensitive” land uses as depicted on Figure N-1.

N 1.6 - Minimize the impacts of construction noise on adjacent uses.

N 1.6.1 - Ensure that construction activities be regulated to establish hours of operation, to prevent and/or mitigate the generation of excessive or adverse noise impacts through the implementation of the existing Noise Ordinance and/or any future revisions to the Noise Ordinance.

From a land use perspective, the project will be compatible with the area because the applicant will be required to submit a noise analysis indicating compliance with the City’s Noise Ordinance. The Noise Ordinance states that exterior noise standards in all residential properties shall not exceed 55 dbA from 7 am to 10 pm and 50 dbA from 10 pm to 7 am. Additionally, construction shall be limited to between the hours of 7 am to 8 pm, Monday through Saturday. Recommended mitigation measures will also require that equipment operated within 1,000 feet of a dwelling be muffled, stockpiling and vehicle staging areas be located as far as possible from residential areas, and unnecessary idling of engines be prohibited.

G. Hazardous Materials Element

HM 1.1.4 - Implement federal, state and local regulations for the handling, storage and disposal of hazardous materials.

HM 1.2.2 - Ensure that hazardous waste transportation activities are conducted in a manner that will minimize risks to sensitive uses.

HM 1.4.4 - Require that the owners of contaminated sites develop a remediation plan with the assistance of the Orange County Environmental Management Agency (EMA).

The desalination plant will be using chemicals in its operations both to clean the reverse osmosis membranes and to treat the potable product water. The project will comply with all federal, state and local regulations for the handling, storage and disposal of hazardous materials. The transportation of chemicals to the desalination plant will be conducted by registered haulers and is required to comply with all Caltrans regulations. The plant is also required to develop hazardous waste management and safety plans pursuant to Occupational Health and Safety Association (OSHA) and US Environmental Protection Agency (EPA) requirements. The Fire Department will also require the applicant to submit for their approval a complete chemical inventory and use, storage, and handling plan prepared by a qualified professional. The project will incorporate leak and containment measures to minimize any risk to employees and the surroundings. All chemicals will be stored in concrete containment structures with a 110 percent spill containment capacity. Based on this, the project will be compatible with the area.

**Zoning Compliance:**

This project is located in the PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) zoning district and complies with the requirements of that zone. The following is a zoning conformance matrix which compares the proposed project with the development standards of PS zoning district:

SECTION	ISSUE	CODE PROVISION	PROPOSED
214.08	Lot Area	Min. 2 acres	11 acres (Poseidon lease area)
	Lot Width	Min. 100 ft.	930 ft. (Newland Street)
	Setbacks		
	Front (Newland)	Min. 10 ft.	Min. 86 ft.
	Side (South P.L.)	Min. 0	Min. 19 ft.
	Street Side (Edison)	Min. 10 ft.	Min. 98 ft.
	Rear (East P.L.)	Min. 0	Min. 79 ft.
	Building Height	Max. 50 ft.	Max. 30 ft. (from finished floor)
	Floor Area Ratio		
	Zoning	Max. 1.5 (718,000 sq. ft.)	57,540 sq. ft. of building
General Plan	None	NA	
Site Landscaping	Min. 6 % (28,646 sq. ft.) Lease Area 1 - 6.83 acres (17,851 sq. ft.) Lease Area 2 - 4.13 acres (10,795 sq. ft.)	8.8 % (42,293 sq. ft.) Lease Area 1 (31,498 sq. ft.) Lease Area 2 (10,795 sq. ft.)	
Building Design	Requires building offset along front and street side; Alternative standards may be allowed for unique structures subject to Design Review	Water storage tank and architectural screen design approved by the Design Review Board	

SECTION	ISSUE	CODE PROVISION	PROPOSED
231.04.B	Off-Street Parking - Number	No min. – Based upon project	32 spaces (based on maximum eight employees per shift)
	Other	Min. 9 ft. by 19 ft. with 26 ft. aisle	Complies
	Loading Area	Three loading areas min. 20 ft. by 14 ft.	Complies
230.78	Refuse Storage	Required	One 14 ft. x 8 ft. enclosure
230.84	Dedication & Improvements	Dedicate 10 ft. along Newland St. frontage and 12 ft. along Edison Ave. frontage	Complies
230.88	Fences & Walls	Screen wall required	8 ft. high wall with 8.5 ft high accent pilasters consistent with approved AES wall plan

**Urban Design Guidelines Conformance:**

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 7 (Industrial) and Chapter 11 (District-Specific Guidelines for the Generating Station). The applicant has completed the Urban Design Checklist for the proposed project and indicates compliance (Attachment No 4). The proposed project includes variations in form, building details, colors, and materials that create visual interest. The proposed buildings include roofline and façade articulation to create an interesting building form. Steel canopies and storefront windows are also incorporated into the building facades. A color scheme comprised of three complimentary pastel colors further adds to the aesthetics of the project. Additionally, the proposed structures will have a lower profile than the existing tanks to be demolished.

The project provides buffering from sensitive uses such as residential developments through landscaping, a block wall, and increased setbacks. Landscape planters are provided between parking areas and in front of the building. The perimeter wall is designed in a manner to create an attractive appearance and will be consistent with the wall design approved for the portion of the AES generating station property to the south for a cohesive appearance.

**Environmental Status:**

The project’s potential environmental impacts are analyzed and discussed in a separate staff report. Prior to any action on Conditional Use Permit No. 02-04 and Coastal Development No. 02-05, it is necessary for the Planning Commission to review and act on Environmental Impact Report No. 00-02. Staff, in its initial study of the project, is recommending that Environmental Impact Report No. 00-02 be certified as adequate and complete with mitigation measures, findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Although the project results in adverse impacts to the environment in relation to short-term construction related emissions that cannot be mitigated or avoided, the Planning Commission may still approve the project if a Statement of Overriding Considerations is adopted. CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the City may consider the adverse environmental effects acceptable. In this

particular case, staff believes the social, economic, and ecosystem/biological resources benefits of the proposed project outweigh the adverse impacts to air quality during the construction process. Some of the project benefits as outlined in the Statement of Overriding Considerations (see Attachment No. 5) include:

- The Poseidon Seawater Desalination Project will provide a reliable source of potable water to Orange County and the surrounding region that is sustainable independent of climatic conditions and the availability of imported water supplies and local groundwater supplies. The Project offers Orange County's water agencies up to 50 million gallons per day (MGD) or 56,000 acre-feet of water per year to include in their portfolio of available water resources. Water conservation efforts have resulted in successfully stretching the developed water supply, and more gains from conservation are projected for the future. Still, in the latest California Water Plan Update (Bulletin 160-98), the California Department of Water Resources predicts that the South Coast Region (and the entire State) will face significant water shortages by the year 2020. While the amount of water produced by the Project is only a small percentage of the current 650 MGD (710,000 acre-feet per year) Orange County water demand, it is an important drought-proof, renewable supply that will enhance the overall portfolio of water resources available to Orange County water agencies.
- The Poseidon Seawater Desalination Project will provide product water that meets or exceeds the requirements of the Safe Drinking Water Act (SDWA) and the California Department of Health Services (DHS).
- The Poseidon Seawater Desalination Project will reduce the salt imbalance of current imported water supplies by providing a potable water source with lower salt loads for blending with existing supplies.
- The Poseidon Seawater Desalination Project will remediate the subject site of on-site contaminants resulting from approximately 35 years of use as a fuel oil storage facility thereby protecting the health and safety of those in the surrounding community.
- The Poseidon Seawater Desalination Project will create ecosystem and biological resources benefits that may accrue due to decreased pressures on existing water sources. The Orange County Water District (OCWD) has identified that Santa Ana River Groundwater Basin has been overdrafted by more than 400,000 acre feet due to drought conditions of the last three years. The Project could offset withdrawals from the groundwater basin during dry years, allowing the Groundwater Basin to recharge. The Project could also offset demands on imported supplies transported from the Colorado River and/or Northern California, allowing more water to remain available for use in environmentally sensitive areas in those locations.
- The Poseidon Seawater Desalination Project will minimize demands on the existing imported water system. Southern California could not exist without its extensive imported water supply system. The Metropolitan Water District of Southern California ("MWD"), together with many local water agencies, operates numerous water facilities to transport, store and recycle water

supplies to meet the needs of Orange County and the surrounding Southern California region. Given the announced cutbacks of water supply from the Colorado River and the continuing environmental water demands on the State Water Project in Northern California, the water produced by the Poseidon Project could be dedicated by Orange County water agencies to simply replacing existing water supplies for current Orange County residents and future generations.

As a point of reference, the unavoidable significant impact in regards to short-term construction related emissions is also found in the Environmental Impact Report for other city approved projects such as the McDonnell Centre Business Park Specific Plan, The Strand (Blocks 104/105), Home Depot, and Walmart.

The Mitigation Monitoring and Reporting Program is the formal documentation required by CEQA to implement and monitor compliance with all mitigation measures. The Mitigation Monitoring and Reporting Program establishes which City departments are responsible for ensuring completion and compliance with all adopted mitigation measures

Following approval of the conditional use permit and coastal development permit, the Planning Commission must approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 5), and a Mitigation Monitoring and Reporting Program (Attachment No. 6).

**Coastal Status:**

The proposed project is within the appealable portion of the Coastal Zone. The City has jurisdiction over the issuance of a Coastal Development Permit for a project in the Coastal Zone that is located inland of the mean high tide line. Coastal Development Permit No. 02-05 for the construction of the desalination plant and an approximately one mile portion of the water transmission line within the Coastal Zone boundary is being processed concurrently with Conditional Use Permit No. 02-04 pursuant to Chapter 245 of the ZSO.

A project that is located seaward of the mean high tide line falls under the jurisdiction of the California Coastal Commission. After the City's action on the project the California Coastal Commission will require the applicant to submit a separate Coastal Development Permit application for mining ocean water and discharging into the ocean. The City's Coastal Development Permit is also appealable to the Coastal Commission.

The proposed project complies with the zoning code and Coastal Zone requirements, and will implement the following policies of the Coastal Element of the General Plan:

C 1.1.1 - With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

C 1.2.1 - Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

C 1.2.3 - Prior to the issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the proposed development, consistent with policies contained in the Coastal Element, at the time of occupancy.

C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate: a. preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands; b. adequate landscaping and vegetation; c. evaluation of project design regarding visual impact and compatibility; and d. incorporate landscaping to mask oil operations and major utilities, such as the electrical power plant on Pacific Coast Highway.

C 4.7 - Improve the appearance of visually degraded areas within the Coastal Zone.

C 4.7.1 - Promote the use of landscaping material to screen uses that detract from the scenic quality of the coast along public rights-of-way and within public view.

C 4.7.5 - Require the review of new and/or expansions of existing industrial and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes.

C 4.7.8 - Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way.

C 6.1.1 - Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water.

C 6.1.13 - Encourage research and feasibility studies regarding ocean water desalinization as an alternative source of potable water. Participate in regional studies and efforts where appropriate.

C 7.1.3 - Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

C 7.1.4 - Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland, with the exception of the following:

A lesser buffer may be permitted if existing development or site configuration precludes a 100 foot buffer, or conversely, a greater buffer zone may be required if substantial development or significantly increased human impacts are anticipated. In either case, the following factors shall be considered when determining whether a lesser or wider buffer zone is warranted. Reduced buffer zone areas shall be reviewed by the Department of Fish and Game prior to implementation.

- a) Biological significance of adjacent lands: The buffer should be sufficiently wide to protect the functional relationship between wetland and adjacent upland.
- b) Sensitivity of species to disturbance: The buffer should be sufficiently wide to ensure that the most sensitive species will not be disturbed significantly by permitted development, based on habitat requirements of both resident and migratory species and the short and long term adaptability of various species to human disturbance.
- c) Susceptibility of parcel to erosion: The buffer should be sufficiently wide to allow for interception of any additional material eroded as a result of the proposed development based on soil and vegetative characteristics, slope and runoff characteristics, and impervious surface coverage.
- d) Use existing cultural features to locate buffer zones: The buffer zone should be contiguous with the environmentally sensitive habitat area and make use of existing features such as roads, dikes, irrigation canals, and flood control channels where feasible.

The proposed use is consistent with the Coastal Element Land Use designation for the site of P (Public). Adequate services can be provided to serve the project pursuant to policy C 1.2.3 because the project is an infill development and all services already exist in the surrounding vicinity. The project will help improve the appearance of the area by replacing the existing 40-foot high fuel storage tanks with more attractive structures that have a lower profile and by installing 10 feet of landscaping and an eight-foot high wall along the project's Newland and Edison street frontages in conformance to policies C 4.2.1 and C 4.7.8, as well as objective C 4.7. The proposed structures are located behind an existing concrete berm away from any wetland or sensitive habitat areas in compliance with policies C 7.1.3 and C 7.1.4. A wetland is located to the southeast of the project site. However, the proposed desalination plant structures are a minimum 79 feet away from the east property line of the project site. Additionally, an approximately 10 foot high concrete berm exists and will remain along the perimeter of the site to further separate the project from the wetland.

**Redevelopment Status:**

The project is located in the Huntington Beach Southeast Coastal Redevelopment Project area. The Economic Development Department has reviewed the request and does not have any objections or recommended conditions. The project will further the following Redevelopment plan goals:

- To assist with screening, design, or environmental improvements to mitigate impacts on adjoining neighborhoods and environmentally sensitive areas associated with modernization and reconstruction of the AES power generating plant;
- To advance the cleanup of environmentally contaminated properties;
- Undertake public improvements in, and of benefit to, the project area, such as streets, flood control facilities, and other public facilities; and
- Eliminating blight and environmental deficiencies in the Project Area.

The project will further these goals by:

- Improving the appearance of the area by demolishing three existing 40-foot high fuel storage tanks and replacing them with lower profile, modern, and more attractive structures;

- Installing 10 feet of landscaping and an eight foot high block wall along the project's perimeter;
- Advancing the remediation of contamination at the project site from the fuel storage tanks;
- Widening Edison Ave. an additional 12 feet along the project frontage; and
- Dedicating an additional 10 feet along the project frontage and paying their fair share of the cost to widen Newland Street.

**Design Review Board:**

The Design Review Board reviewed the project on April 10, 2003. The Board reviewed the design, colors, and materials for the proposed structures including the wall and conceptual landscaping plan. The Board recommended approval of the conceptual plans with the following recommended conditions which staff concurs with:

- The site plan dated April 10, 2003 and floor plans, elevations, and landscaping plan dated April 7, 2003 shall be the conceptually approved layout with the following modifications: The landscape area on the east side of the project site (landscape area three) shall include additional Myoporum as needed to fill in the gaps to the approval of the City Landscape Architect. The architectural treatment proposed on all the tanks shall be limited to the top portion that is visible above the surrounding concrete berm.
- The final fencing and landscaping plan along Edison Avenue shall be subject to final approval by the Design Review Board after action by the Planning Commission.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:** The Departments of Public Works, Fire, Building and Safety, Community Services, Economic Development, and Police have reviewed the project and their recommended conditions are incorporated into the conditions of approval.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on May 15, 2003, and notices were sent to property owners of record and occupants within an expanded radius of 2,000 ft. from the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. Since this report was completed prior to the notices being sent and the legal notice being published, no written communication supporting or opposing the request was received prior to the completion of this report. Any such written communication received subsequently will be forwarded to the Planning Commission under separate cover.

**Application Processing Dates:**

**DATE OF APPLICATION:**

CUP/CDP: Jan. 22, 2002 - Application Submitted  
April 29, 2003 - Application Complete

**MANDATORY PROCESSING DATE(S):**

Within 180 days of EIR certification

**ANALYSIS:**

The primary issues with the proposed project include: land use compatibility, site layout, circulation, street dedication/improvement, water transmission line, other project impacts, aesthetics, and benefits/disadvantages to the city.

*Land Use Compatibility*

The proposed use is compatible and consistent with the industrially designated properties immediately surrounding the subject site because they are primarily industrial in nature. To the north are Edison Avenue and a variety of industrial uses extending to Hamilton Avenue, which provide a buffer to the residential area north of Hamilton. To the east is a 145-foot wide flood control channel which provides adequate separation from potential residential use on the ASCON-NESI landfill. The closest residential uses are the manufactured home and RV Park across Newland to the west behind a vacant parcel. The next closest residential uses to the east are single family residences across Magnolia Street. The wetlands to the southeast are separated by the existing concrete berm and a distance of 79 feet to the closest proposed desalination plant structure. To the south of the project is the remainder of the AES generating station which is compatible to the project.

*Site Layout*

The proposed layout of the plant will not be detrimental to the area because it is buffered by substantial distance (from approximately 200 to 1,400 feet) from residential and other sensitive uses. The 30-foot high water reservoir tank, which will be the most visible of the structures proposed near the street frontages, is setback approximately 180 feet from the property line along Newland and over 100 feet from the property line along Edison Avenue. The rest of the proposed structures are located towards the east end of the property away from any street frontage and are setback a minimum of 79 feet from the east property line. Furthermore, facility operations will not be visible from the perimeter because they are directed towards the interior of the site and will be screened from view by the existing perimeter concrete berm and the proposed landscaping and wall.

### *Circulation, Street Dedication and Improvement*

The applicant is proposing to access their project through the existing AES gated driveway off Newland. A 24-foot wide access easement across the AES property and leading to the proposed structures is shown on the site plan. Prior to issuing any permits for the actual development of the site the applicant will be required to submit proof of access rights onto the AES property and to demonstrate that adequate turning movements to accommodate fire and emergency apparatus is provided. A parking lot with 32 spaces is located adjacent to the administration building and will be adequate to accommodate the maximum eight staff members per shift and any guests. The parking layout has proper circulation and the proposed parking spaces and drive aisle widths meet code. The loading area is separated from the main access aisle and the parking lot and is of adequate size to accommodate all truck operations.

To improve circulation in the area the applicant will be required to dedicate 10 feet of property along the lease area frontage on Newland Street and 12 feet of property along the lease area frontage on Edison Avenue for street widening. The widening of Newland Street will be completed by the city, but the applicant will be required to pay their fair share for the improvements based on their leasehold frontage. The applicant will be required to improve the 12 feet of dedicated property along Edison Avenue as a condition of approval on the project. The additional 12 feet of dedication along Edison Avenue will improve the access and circulation to the industrial uses along this frontage.

### *Off-site Water Transmission Lines*

The project also includes the construction of a water transmission line from the desalination plant to the closest regional distribution line located in Costa Mesa. The segment located within Huntington Beach will be approximately four miles long, one mile of which will be in the Coastal zone, and will be located entirely within the existing public right-of-way along Newland Street, Hamilton Avenue and potentially Brookhurst Street and Adams Avenue. To minimize any detrimental impacts to the community and to maintain access to the coast and public recreation areas during construction, the Public Works Department will require the applicant to prepare traffic control plans to mitigate impacts to city streets and facilitate circulation during construction. A franchise agreement will also be required for use of the city's right-of-way.

### *Other Project Impacts*

Impacts pertaining to noise, odors, and use of chemicals are addressed to make the project compatible. The EIR notes that the stationary noise sources from the project include various water pumps and air conditioning system components. However, the majority of these noise sources is located indoors or is provided with enclosures to dampen noise. Additionally, intervening structures such as the concrete berm and proposed wall combined with significant setbacks will further reduce noise impacts. A mitigation measure has also been identified which requires the applicant to submit a noise analysis prepared by a qualified acoustical consultant which identifies stationary noise sources from the project and necessary mitigation measures to assure compliance with the city's noise ordinance.

The desalination plant will be using chemicals in its operations both to clean the reverse osmosis membranes and to treat the potable product water. The project will incorporate leak and containment

measures to minimize any risk to employees and the surroundings. All chemicals will be stored in concrete containment structures with a 110 percent spill containment capacity. The transportation of chemicals to the desalination plant will be conducted by registered haulers and is required to comply with all Caltrans regulations. The plant is also required to develop hazardous waste management and safety plans pursuant to Occupational Health and Safety Association (OSHA) and US Environmental Protection Agency (EPA) requirements. The Fire Department will also require the applicant to submit for their approval a complete chemical inventory and a use, storage, and handling plan prepared by a qualified professional.

The applicant has indicated that the project will not create any noticeable odors. The applicant is required to obtain a permit to operate from the Air Quality Management District and will continue to be regulated by the agency to address this issue.

### *Aesthetics*

The project will improve the appearance of the area by demolishing three existing 40-foot high fuel storage tanks and replacing them with lower profile, modern, and more attractive structures. The proposed structures vary in height from a maximum of 30 feet for the water tank to a minimum of six feet high for the ammonia tank. These structures are at minimum 10 feet lower than the existing 40-foot high tanks. Furthermore, the bottom portion of these structures will be hidden behind the existing concrete berm along the perimeter. As noted before, the proposed structures are in substantial compliance with the Design Guidelines by employing variations in form, building details, colors, and materials that create visual interest. The design is carried through all the structures including the architectural screen for all the tanks for a unified theme.

The perimeter wall is designed in a manner to create an attractive appearance and will be consistent with the wall design approved for the portion of the AES generating station property to the south for a cohesive appearance. A 10-foot planter along the lease area street frontage on Newland and Edison will further improve the appearance of the project. The design, colors, and materials of the project have been reviewed and are recommended for approval by the Design Review Board.

### *Benefits and Disadvantages To The City*

The project will benefit the city by:

- Improving the aesthetics of the area through the demolition of three 40-foot high fuel storage tanks and replacing them with lower profile, modern, and more attractive structures;
- Installing perimeter improvements including a 10-foot landscape planter and an eight foot high wall along the project's street frontage for an overall cohesive appearance with the AES facility along Newland Street;
- Advancing the remediation of any contamination around the fuel storage tanks;
- Improving the circulation in the area through the dedication and improvement of additional right-of-way along Newland Street and Edison Avenue; and
- Providing a new source of property tax revenue and a new drought-proof potential source of water.

The project has the following disadvantages to the city:

- The project will prolong industrial uses on the subject site;
- The project will not create a significant number of job opportunities; and
- It will cause a temporary disruption to city streets during the construction process.

The analysis of the project indicates that the proposed advantages to the city outweigh the disadvantages because the project will result in much needed improvements to the aesthetics of the area. Additionally, the proposed use conforms to the General Plan Land Use and zoning designations on the subject site which permits utilities like the desalination plant.

### **SUMMARY:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 subject to conditions based on the following:

- The project is compatible with surrounding uses and is buffered from residential and other sensitive uses by significant setbacks, perimeter landscaping, and fencing.
- The project will improve the appearance of the area by demolishing three existing 40-foot high fuel storage tanks and replacing them with lower profile, modern, and more attractive structures.
- The proposed structures are in substantial compliance with the Design Guidelines by employing variations in form, building details, colors, and materials that create visual interest. The design is carried through all the structures including the architectural screen for all the tanks for a unified theme. This coupled with the 10-foot perimeter landscape planter and screen wall will enhance the overall appearance of the site compared to the existing condition.
- All other impacts pertaining to noise, light/glare, odors, and use of chemicals are addressed to avoid detrimental impacts to the area.
- The project is consistent with the General Plan Land Use designation of P (Public) for the site.
- The project is consistent with General Plan and Coastal Element goals, policies, and objectives.
- The project conforms to the requirements of the Coastal Zone Overlay and will not impede access to the coast or any public recreation opportunities in the area.

### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval
2. Site Plan dated April 22, 2003; Floor Plans and Elevations dated April 7, 2003; Conceptual Landscaping Plan dated April 23, 2003, and Conceptual Pipeline Alignment dated August 2002
3. Project Narrative dated April 30, 2003
4. Urban Design Guidelines Checklist dated May 20, 2002
5. CEQA Statement of Findings and Fact with Statement of Overriding Considerations – EIR No. 00-02
6. Mitigation Monitoring and Reporting Program – EIR No. 00-02
7. Summary of Seawater Reverse Osmosis Plants in California Over the past 14 years
8. Aerial

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## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL** **CONDITIONAL USE PERMIT NO. 02-04/COASTAL DEVELOPMENT PERMIT NO. 02-05**

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 02-04:**

1. Conditional Use Permit No. 02-04 for the establishment, maintenance and operation of a seawater desalination plant producing 50 million gallons per day which includes a 10,120 square foot administration building, 38,090 square foot reverse osmosis building, 36,305 square foot product water storage tank, other miscellaneous accessory structures; perimeter landscaping and fencing along the project's frontage on Newland Street and Edison Avenue; and up to four miles of water transmission lines will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will result in the demolition of three 40-foot high fuel storage tanks to be replaced with lower profile and modern structures with a more attractive design consistent with the city's adopted Design Guidelines. The project will further enhance the appearance of the area with the installation of 10 feet of landscaping and an eight-foot high block wall along the Newland and Edison street frontages to provide additional screening and a consistent and upgraded appearance in contrast to the existing improvements.
2. The conditional use permit will be compatible with surrounding uses because the project as proposed and modified by the conditions imposed is compatible with the properties immediately surrounding it which are primarily industrial in nature. Additionally significant setbacks, including Newland Street to the west, Edison Avenue to the north, the flood control channel to the east, an existing concrete berm, 10 feet of landscaping and an eight foot high block wall along the project's Newland and Edison street frontages provide additional screening from surrounding uses. Impacts pertaining to noise, light/glare, odors, and use of chemicals are also addressed to make the project compatible.
3. The proposed seawater desalination plant including a 10,120 square foot administration building, 38,090 square foot reverse osmosis building, 36,305 square foot product water storage tank, other miscellaneous accessory structures; perimeter landscaping and fencing along the project's frontage on Newland Street and Edison Avenue; and up to four miles of water transmission lines will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The project as proposed and modified by the conditions of approval meets or exceeds the minimum development standards and is allowed subject to approval of a conditional use permit and coastal development permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P(Public) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- a. LU 7.1.1 - Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
- b. LU 12.1.5 - Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a. use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass; b. architectural design treatment of all building elevations; c. use of landscaping in open spaces and parking lots, including broad landscaped setbacks from principal peripheral streets; d. enclosure of storage areas with decorative screening or walls; e. location of site entries to minimize conflicts with adjacent residential neighborhoods; and f. mitigation of noise, odor, lighting, and other impacts.
- c. LU 13.1.8 - Ensure that the City's public buildings, sites, and infrastructure improvements are designed to be compatible in scale, mass, character, and architecture with existing buildings and pertinent design characteristics prescribed by this General Plan for the district or neighborhood in which they are located, and work with non-City public agencies to encourage compliance.
- d. UD 2.1: Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.
- e. CE 7 - Maintain and enhance the visual quality and scenic views along designated corridors.

The project will be an improvement to the area because it will result in the demolition of three 40-foot high fuel storage tanks. The new proposed structures are more compatible with the surroundings because they are lower in height and have a more attractive design consistent with the General Plan and Design Guidelines. There are limited views across the AES generation station site due to the height of the existing structures. However, views will be improved to the extent that the new proposed desalination plant structures have a lower profile than the existing fuel storage tanks proposed to be demolished. The project is required to provide a 10-foot landscape planter along the perimeter of the site to enhance the appearance of the area. These landscaping improvements are required to be consistent with the approved landscaping improvements for the rest of the AES property to the south for a cohesive appearance.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 02-05:**

- 1. Coastal Development Permit No. 02-05 for the development of the desalination plant and approximately one mile of water transmission lines within the Coastal Zone, as proposed and modified by conditions of approval, conforms to the General Plan, including the Local Coastal Program by implementation of the following Coastal Element goals, objective, and policies:
  - a. C 1.2.1 - Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.
  - b. C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate: a. preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands; b. adequate landscaping and vegetation; c. evaluation

of project design regarding visual impact and compatibility; and d. incorporate landscaping to mask oil operations and major utilities, such as the electrical power plant on Pacific Coast Highway.

- c. C 4.7 - Improve the appearance of visually degraded areas within the Coastal Zone.
- d. C 4.7.1 - Promote the use of landscaping material to screen uses that detract from the scenic quality of the coast along public rights-of-way and within public view.
- e. C 4.7.8 - Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way.
- f. C 6.1.13 - Encourage research and feasibility studies regarding ocean water desalination as an alternative source of potable water. Participate in regional studies and efforts where appropriate.

The proposed use is consistent with the Coastal Element Land Use designation for the site of P (Public). The project will help improve the appearance of the area by replacing the existing 40-foot high fuel storage tanks with more attractive structures that have a lower profile and by installing 10 feet of landscaping and an eight-foot high wall along the project's Newland and Edison street frontages. The proposed desalination plant structures will not impact public views to the coast. There are limited views across the AES generation station site due to the height of the existing structures. However, views will be improved to the extent that the new proposed desalination plant structures will have a lower profile than the existing fuel storage tanks proposed to be demolished.

- 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 meets or exceeds all minimum development standards including but not limited to setbacks, height, and parking. The project will comply with all Public Works, Fire, and Building and Safety Department codes and requirements. The proposal conforms to the city's Design Guidelines and incorporates variations in form, building details, colors, and materials that create visual interest. The project provides buffering from sensitive uses such as residential developments through landscaping, a block wall, and increased setbacks. The perimeter wall is designed in a manner to create an attractive appearance and will be consistent with the wall design approved for the portion of the AES generating station property to the south for a cohesive appearance.
- 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 is an infill development and as conditioned and with the implementation of all mitigation measures will provide all necessary infrastructure to adequately service the site and not impact adjacent development. This includes dedication and improvements to the project lease frontage along both Newland Street and Edison Avenue to improve circulation in the area.
- 4. The development of the desalination plant and approximately one mile of water transmission lines within the Coastal Zone conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act as they will not impede any public access to the coast and public recreation

opportunities in the area. All public access to the coast and public recreation in the area will not be impeded during the long-term operation of the facility as well as during the construction process with the implementation of conditions of approval and mitigation measures.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT  
NO. 02-04/ COASTAL DEVELOPMENT PERMIT NO. 02-05:**

1. **The site plan received and dated April 22, 2003, floor plans and elevations received and dated April 7, 2003, and landscaping plan received and dated April 23, 2003 shall be the conceptually approved layout with the following modifications:**
  - a. The landscape area on the east side of the project site (landscape area three) shall include additional Myoporum as needed to fill in the gaps to the approval of the City Landscape Architect. **(DRB)**
  - b. The architectural treatment proposed on all the tanks shall be limited to the top portion that is visible above the surrounding concrete berm. **(DRB)**
  - c. The final fencing and landscaping plan along Edison Avenue shall be subject to final approval by the Design Review Board after action by the Planning Commission. **(DRB)**
  - d. Perimeter landscaping for this project along Newland St. and Edison Ave. is required to be installed only along the lease area frontage. Each lease area shall have a minimum of six percent landscaping.
  - e. The landscaping and wall plan shall be consistent in design, colors, and materials with the landscaping and wall plan for AES for a cohesive appearance.
  - f. Parking lot striping detail shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(Code Requirement)**
  - g. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(Code Requirement)**
  - h. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing screening must be submitted for review and approval with the application for building permit(s). **(Code Requirement) (MM-ALG 1)**

- i. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
- j. If outdoor lighting is included, light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent “spillage” onto adjacent properties and shall be shown on the site plan and elevations. **(MM-ALG 2)**

**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. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
- c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
- d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
- e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
- f. A truck hauling and routing plan for all trucks involved in asbestos removal and demolition of the existing structures shall be submitted to the Department of Public Works and approved by the Director of Public Works.
- g. The applicant shall disclose the method of demolition on the demolition permit application for review and approval by the Building and Safety Director.
- h. For the demolition of the three (3) 200 foot diameter fuel oil tanks, a work plan must be submitted and approved by the Fire Department prior to commencement of work. **(FD)**

**3. Prior to acceptance of grading plans for review:**

- a. Ten feet (10') of additional right-of-way shall be dedicated in fee along the lease area limits of the Newland Street frontage. **(PW)**
- b. Twelve feet (12') of additional right-of-way shall be dedicated in fee along the lease area limits of the Edison Avenue frontage. **(PW)**

**4. Prior to issuance of grading permits, the following shall be completed:**

- a. No building permits shall be issued until the applicant submits written proof of final project approval by each applicable regulating agency including but not limited to the California Coastal Commission, Santa Ana Regional Water Quality Control Board, and South Coast Air Quality Management District.
- b. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls and walls) consistent with the grading plan shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
- c. Provide a Fire Department approved Remedial Action Plan (RAP) based on requirements found in the *City of Huntington Beach Soil Cleanup Standard*, City Specification #431-92. **(FD)**
- d. From the Division of Oil, Gas & Geothermal Resources (DOGGR), provide a *Permit to Conduct Well Operations* for all onsite active/abandoned oil wells. **(FD)**
- e. From the DOGGR, provide proof of a *Site Plan Review* application. **(FD)**
- f. Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of City Specification #422-*Oil Well Abandonment Process*. **(FD)**
- g. Installation and/or removal of underground flammable or combustible liquid storage tanks (UST) require the applicant to first obtain an approved Orange County Environmental Health Care UST permit/site plan. This approved plan must be presented to obtain the required Huntington Beach Fire Department *Fire Code Permit Application* to conduct installation and/or removal operations. **(FD)**
- h. For Fire Department approval, applicant must submit a site plan showing all onsite abandoned oil wells accurately located and identified by well name and API number, plus identify and detail all methane safety measures per City Specification #429-*Methane District Building Permit Requirements*. These details shall be on a separate sheet titled "Methane Plan." **(FD)**
- i. Prior to issuance of any permit or the transfer or sale of this entitlement, the applicant shall enter into a Franchise agreement with the City for the generation and transport of product water from the site, and through and across the city's streets, rights-of-way or properties. **(PW)**

- j. A corrected lease line exhibit for areas “1” and “2” and an accurate metes and bounds description of the project limits shall be submitted to the Public Works Department for review and approval. A metes and bounds description and separate exhibit of all access routes shall also be provided with the submittal. **(PW)**
- k. Irrevocable vehicular access rights shall be established and recorded across the AES and Edison properties. The access width and turning radius criteria shall conform to the requirements of the Public Works Department and the Fire Department. **(PW)**

The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(Code Requirement)**

- l. The applicant shall demonstrate utilizing a truck turning template overlay that a WB-50 vehicle can maneuver on-site through the designated access route. **(PW)**
- m. A Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The recommendations of the accepted geotechnical study shall be incorporated into the earthwork activities. The Grading Plan shall depict, but not be limited to the following items: **(PW)**
  - 1) The parking layout shall be in conformance with the approved parking plan, and shall also conform to City Standards and the City’s Subdivision Ordinance and Municipal Code requirements, including Municipal Ordinance No. 10.40.050. No parking shall be permitted adjacent to emergency access areas in compliance with Fire Department Standard Specification Nos. 401 and 415.
  - 2) Access for the handicapped shall be in conformance with Title 24.
  - 3) Separate sewer lateral and sewer line to provide service to all onsite facilities. The plan shall provide horizontal location and vertical clearances and dimensional relationship with other utilities.
  - 4) A new domestic water service and meter shall be installed per Water Division standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The water service shall be a minimum of 2-inches in size.
  - 5) Fire sprinklers shall have a separate dedicated fire service with an appropriate backflow device.

- 6) Separate backflow protection devices shall be installed, per Water Division standards for domestic water service, fire services and irrigation water services. The final location for all public waterline facilities shall be as approved by the Water Division.
  - 7) Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). Applicant shall provide a consulting arborist report on all the 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 (if any) shall be protected and how far construction/grading shall be kept from the trunk.
  - 8) Final site design storm hydrology and hydraulics shall be submitted for review and approval to the Public Works Department. The report shall also include calculation of first flush flows to substantiate the adequacy and effectiveness of all water quality mitigation and structural best management practices. Design of all necessary drainage improvements shall provide mitigation for all rainfall events (storm frequencies up to a 100-year frequency). Mitigation may include adequate detention storage area onsite if the project pump systems fail to operate.
  - 9) Areas for containment shall be provided to mitigate possible spillage of any materials affecting storm water quality that may be stored on-site.
  - 10) In accordance with NPDES requirements, a "Water Quality Management Plan" shall be prepared by a Civil or Environmental Engineer. "Best Management Practices" shall be identified and incorporated into the design. All structural BMP's shall be tested "state of the art" and sized to infiltrate, filter and treat the 85<sup>th</sup> percentile, 24-hour storm event. The WQMP shall comply with the requirements of the Orange County Drainage Area Master Plan (DAMP).
  - 11) A Notice of Intent (NOI), Notice of Termination (NOT) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Board.
- n. A Street Improvement Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The following public improvements shall be shown on the plan: **(PW)**
- 1) Curb, gutter, sidewalk and A.C. paving to the centerline of the street along the Newland Street lease frontage, within a 50-foot half-width street Right-of-Way per City Standard Plan Nos. 102 (84'/100'), 202 and 207. In lieu of constructing the Newland improvements, the applicant may pay the cost of their proportionate share of the Newland Street Widening Project. The total amount due the City for the proportionate share of Newland Street improvements shall be \$186,269.33 based on the lease area frontage.
  - 2) Curb, gutter and A.C. paving to the new centerline of construction, plus an adequate feathered overlay section to provide a smooth pavement transition along the Edison Avenue lease frontage, within a 42-foot full-width street Right-of-Way per modified City Standard Plan Nos. 104 and 202 (including an 8-foot parking lane on the north side, 24-foot driving lane, a 6-foot parkway on the north and a 4-foot wide utility easement on the south). No parking shall be permitted on the south side of the street.

- 3) An ADA compliant access ramp at the southeast corner of Newland Street and Edison Avenue per Caltrans Standard Plan No. A88. The corner curb return radius shall be 35-feet.
  - 4) New Edison-owned street lighting shall be provided for the frontage of Newland Street and Edison Avenue and shall be consistent with City standards.
  - 5) At the intersection of Newland Street and Edison Avenue and at the Newland Street driveway located approximately 460-feet south of Edison Avenue, corner sight distance as defined in the Caltrans *Highway Design Manual* must be provided.
  - 6) All utilities (proposed and existing) shall be shown for reference purposes and shall be consistent with utility infrastructure plans.
- o. Improvement Plans for all offsite water transmission lines within the limits of the City of Huntington Beach shall be designed and prepared by a licensed Civil Engineer showing a plan and profile of the improvements. Said plans shall be submitted on mylar sheets to the Public Works Department for review and approval. Trenchless construction methods will be utilized to cross roadways sensitive to traffic disruption and drainage channels as deemed necessary by the Public Works Department. **(PW)**
  - p. Conflicts between the routing for all offsite water transmission lines and other existing or proposed utilities, facilities or public infrastructure shall be identified and mitigated on the water line improvement plans. **(PW)**
  - q. Signing and Striping plans prepared by a Licensed Civil or Traffic Engineer shall be submitted to the Public Works Department for review and approval for Newland Street and Edison Way. **(PW)**
  - r. Traffic Control Plans prepared by a Licensed Civil or Traffic Engineer shall be submitted to the Public Works Department for review and approval for offsite pipeline construction or any other work within the City's right-of-way. **(PW)**
  - s. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site; details on how no wastes or pollutants shall escape the site; and details on how wind barriers around remediation equipment shall be provided. **(PW)**
  - t. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. **(PW)**

- u. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. **(PW)**
- v. The developer shall coordinate with the Department of Public Works, Traffic Engineering Division in developing a truck and construction vehicle routing plan. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction related impacts to adjacent residents and the surrounding area. The plan shall take into consideration any street improvement construction occurring in the vicinity. These plans must be submitted for approval to the Department of Public Works. **(MM-CON 35) (PW)**
- w. Should the project require off-site import/export of fill material during demolition, remediation, and construction, trucks shall utilize a route that is least disruptive to sensitive receptors, preferably Newland Street to Pacific Coast Highway to Beach Boulevard to I-405. Construction trucks shall be prohibited from operating on Saturdays, Sundays and federal holidays. **(MM-CON 11)**
- x. In conjunction with the submittal of application for preliminary or precise grading permits, the Applicant shall demonstrate to the satisfaction of the City Engineer that the preliminary geotechnical report recommendations have been incorporated into the grading plan unless otherwise specified in the final geotechnical report and/or by the City Engineer. **(MM-GEO 2)**
- y. As the South Branch Fault (situated beneath the subject site) is classified as “Category C” by the City of Huntington Beach General Plan, special studies and subsurface investigation (including a site specific seismic analysis) shall be performed prior to issuance of a grading permit, to the approval of the City Engineer. The subsurface investigation shall include CPT and exploratory borings to determine the fault rupture potential of the South Branch Fault which underlies the subject site. **(MM-GEO 8)**
- z. Prior to issuance of precise grading or building permits, which ever comes first, the applicant shall submit and obtain approval from the City of Huntington Beach of a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine, structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan (DAMP) Appendix which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities to the applicant, and shall reference the location(s) of structural BMPs. The applicable BMPs include: **(MM-HWQ 1)**
  - 1) Plant materials that require fertilization and pest control shall be maintained in accordance with Orange County Management Guidelines for Use of Fertilizers and Pesticides; and
  - 2) BMP structures and facilities shall be cleaned and maintained on a scheduled basis by a Facility Operator appointed person.

- aa. Appropriate site-specific hydrology and hydraulic analysis will be performed for the project prior to the issuance of grading or building permits, whichever comes first. The analysis shall include mitigation measures, if necessary, in regards to storm water drainage and flooding. **(MM-HWQ 2)**
- bb. Prior to the issuance of grading or building permits, whichever comes first, an appropriate on-site drainage system shall be installed for the project that integrates permanent stormwater quality features. **(MM-HWQ 3)**
- cc. Prior to the issuance of any building or grading permits, the Applicant shall prepare an acoustical analysis report and appropriate plans, prepared under the supervision of a City-approved acoustical consultant, describing the stationary noise generation potential and noise mitigation measures (such as the installation of sound enclosures or placing noise-generating equipment indoors), if needed, which shall be included in the plans and specifications of the project. All stationary equipment shall be designed to meet the noise criteria as specified in the City of Huntington Beach Municipal Code Chapter 8.40 (Noise Control), and will be subject to the approval of the City of Huntington Beach. **(MM-NO 1)**
- dd. Prior to the issuance of a grading permit, the Applicant will prepare a waste reduction plan for the generation of construction and operational waste from the proposed project. This plan will be submitted to the recycling coordinator from the City of Huntington Beach who will ensure that AB 939 requirements are properly addressed. **(MM-PSU 6)**
- ee. Concurrent with the submittal of the Grading Plan, the Applicant shall submit an Erosion Control Plan to the City of Huntington Beach Department of Public Works which will include the following measures: **(MM-CON 1)**
  - 1) Where necessary, temporary and/or permanent erosion control devices, as approved by the Department of Public Works, shall be employed to control erosion and provide safety during the rainy season from October 15<sup>th</sup> to April 15<sup>th</sup>.
  - 2) Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate the rapid construction of temporary devices when rain is imminent.
  - 3) Erosion control devices shall not be moved or modified without the approval of the Department of Public Works.
  - 4) All removable erosion protective devices shall be in place at the end of each working day when the 5-day rain probability forecast exceeds 40%.
  - 5) After a rainstorm, all silt and debris shall be removed from streets, check berms and basins.
  - 6) Graded areas on the permitted area perimeter must drain away from the face of the slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.
  - 7) The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

- 8) The permittee and contractor shall inspect the erosion control work and ensure that the work is in accordance with the approved plans.
  - 9) Water shall be applied to the site twice daily during grading operations or as otherwise directed by the County of Orange Inspector in compliance with South Coast AQMD rule 403 (Fugitive Dust Emissions). A grading operations plan may be required including watering procedures to minimize dust, and equipment procedures to minimize vehicle emissions from grading equipment.
- ff. Construction of the project shall include Best Management Practices (BMPs) as stated in the Drainage Area Management Plan (DAMP) by the Orange County Stormwater Management Program. BMPs applicable to the project include the following: **(MM- CON 2)**
- 1) Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes, or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator, or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent, or floatable wastes; wastes from any engine/ equipment steam cleanings or chemical degreasing; and superchlorinated potable water line flushings.
  - 2) During construction, disposal of such materials should occur in a specified and controlled temporary area on-site, physically separated from potential stormwater run-off, with ultimate disposal in accordance with local, state, and federal requirements.
- gg. As part of its compliance with the NPDES requirements, the Applicant shall prepare a Notice of Intent (NOI) to be submitted to the Santa Ana Regional Water Quality Control Board providing notification and intent to comply with the State of California general permit. Prior to construction, completion of a Storm Water Pollution Prevention Plan (SWPPP) will be required for construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction site at all times. **(MM-CON 3)**
- hh. Prior to the issuance of grading permits or approval of grading plans, the City shall include a dust control plan as part of the construction contract standard specifications, which shall include measures to meet the requirements of the City and SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following: **(MM-CON 9)**
- During grading operations, the following shall be complied with:
- 1) Attempt to phase and schedule activities to avoid high-ozone days and first-stage smog alerts;
  - 2) Discontinue operation during second-stage smog alerts;
  - 3) All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas;
  - 4) Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas;
  - 5) Moisten soil each day prior to commencing grading to depth of soil cut;

- 6) Water exposed surfaces at least twice a day under calm conditions and as often as needed on windy days when winds are less than 25 mile per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site;
  - 7) Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation;
  - 8) Wash mud-covered tires and under carriages of trucks leaving construction sites;
  - 9) Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud which would otherwise be carried off by trucks departing project sites;
  - 10) Securely cover all loads of fill coming to the site with a tight fitting tarp;
  - 11) Cease grading during periods when winds exceed 25 miles per hour;
  - 12) Maintain construction equipment in peak operating condition so as to reduce operating emissions;
  - 13) Use low-sulfur diesel fuel in all equipment;
  - 14) Use electric equipment whenever practicable; and
  - 15) Shut off engines when not in use.
- ii. Prior to the issuance of any grading permits, the Applicant shall ensure evidence acceptable to the City of Huntington Beach Departments of Planning and Public Works that: **(MM-CON 10)**
- 1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers;
  - 2) All operations shall comply with the City of Huntington Beach Municipal Code Chapter 8.40 (Noise Control);
  - 3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from residential areas; and
  - 4) Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.
- jj. Unless underground utility locations are well documented, as determined by the City of Huntington Beach Public Works Department, the project engineer shall perform geophysical surveys to identify subsurface utilities and structures, the findings of which shall be incorporated into site design. Pipelines or conduits which may be encountered within the excavation and graded areas shall either be relocated or be cut and plugged according to the applicable code requirements. **(MM-CON 13)**

**5. Prior to submittal for building permits, the following shall be completed:**

- a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- b. A corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. The recommendations of this report shall be reproduced on the plans. **(BD)**
- c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Department for addressing purposes. **(FD)**
- d. The Design Review Board shall review and approve the final fencing and landscaping plan along Edison Avenue after action by the Planning Commission. **(DRB)**
- e. All Fire Department requirements shall be noted on the building plans. **(FD)**
- f. Contact the United States Postal Service for approval of mailbox location(s).
- g. A detailed geotechnical report shall be prepared and submitted with the building permit application for the proposed desalination plant. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding grading, foundations, retaining walls, streets, utilities, remedial work, overexcavation / recompaction, dewatering, water quality, and chemical/fill properties of underground items including buried pipe and concrete and protection thereof. The reports shall specifically address lateral spreading, flood control channel bank stability, liquefaction potential and groundwater constraints. Appropriate recommendations shall be provided to mitigate potentially adverse conditions. The geotechnical report shall also be submitted to the Department of Public Works for review and approval in conjunction with the grading plan. **(MM-GEO 1)**

**6. Prior to issuance of building permits, the following shall be completed:**

- a. A separate water meter and backflow prevention device shall be provided for the irrigation system. **(PW)**
- b. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. A Landscape Construction Set must be submitted to the Department of Public Works and approved by the Departments of Public Works and Planning. The Landscape Construction Set shall include a landscape plan prepared and signed by a State Licensed Landscape Architect which identifies the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. Any existing mature trees that must be removed shall be replaced at a two to one ratio (2:1) with minimum 36 inch box trees or palm

equivalent (13-14 feet of trunk height for Queen Palms and 8-9 feet of brown trunk) and shall be incorporated into the project's landscape plan. **(PW) (Code Requirement)**

- c. 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. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. 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. **(PW)**
- d. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
- e. To maintain required emergency access and site safety during project construction phases, submit a Fire Protection Plan in compliance with City Specification #426-*Fire Safety Requirements for Construction Sites*. **(FD)**
- f. Fire access roads shall be provided in compliance with City Specification #401-*Minimum Access for Fire Department Access*. **(FD)**
- g. Fire hydrants must be installed and be in service before combustible construction begins. Shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. Indicate hydrant locations and fire department connections. The Fire Department and the Public Works Water Division shall determine the number of fire hydrants. **(FD)**
- h. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits. **(FD)**
- i. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide water flow, tamper, and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**
- j. Elevators shall be sized to accommodate an ambulance gurney. The minimum dimensions are 6'8" wide by 4'3" deep with a 42-inch wide (min.) right or left side opening. Center opening doors require a 54-inch depth. **(FD)**
- k. All Fire Department requirements shall be noted on the building plans. **(FD)**

- l. For classification within the City’s Hazardous Materials Disclosure Program, a complete chemical inventory and a use, storage, and handling plan prepared by a fire protection engineer, environmental hygienist, or the equivalent shall be submitted to the Fire Department. Included, but not limited to, shall be the ammonia storage tank, the lime silos and the chemical treatment facilities. These tanks and associated equipment shall be designed and installed in conformance with 2001 edition of the CFC. **(FD)**
- m. As native on-site soils are compressible upon placement of structural loads, project implementation shall implement complete removal and recompaction of compressible soils or use of piles and grade beams to support on-site structures. **(MM-GEO 5)**
- n. Type V cement shall be used for concrete and buried metal pipes shall utilize special measures (coatings, etc.) to protect against the effects of corrosive soils. **(MM-GEO 6)**
- o. Due to the potential for ground shaking in a seismic event, the project shall comply with the standards set forth in the UBC (most recent edition) to assure seismic safety to the satisfaction of the Department of Building and Safety prior to issuance of a building permit, including compliance with California Division of Mines and Geology Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, adopted March 13, 1997). However, given the proximity of the site to the Newport-Inglewood and Compton Blind Thrust Faults, more stringent measures may be warranted. **(MM-GEO 7)**
- p. Due to the potential for liquefaction within the project vicinity, the Applicant shall comply with the standards set forth in the UBC (most recent edition) for structures on-site to assure safety of the occupants to the satisfaction of the Department of Building and Safety prior to issuance of a building permit. These standards include compliance with California Division of Mines and Geology Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, adopted March 13, 1997) and “Recommended Procedures for implementation of CDMG Special Publication 117 - Guidelines for Analyzing and Mitigating Liquefaction in California” (Dr. Geoffrey R. Martin et al, May 1999). **(MM-GEO 9)**
- q. The proposed project shall incorporate adequate measures to stabilize structures from on-site soils known to be prone to liquefaction. Typical methods include, but are not limited to: **(MM-GEO 10)**
  - 1) Overexcavation and recompaction of soils;
  - 2) in-situ soil densification (such as vibro-flotation or vibro-replacement);
  - 3) injection grouting; and
  - 4) deep soil mixing.
- r. The site specific geotechnical investigation for the proposed project shall analyze the potential for lateral spread on-site. If deemed a possibility, adequate subsurface stabilization practices (similar to those utilized for liquefaction) shall be incorporated prior to the construction of on-site structures. **(MM-GEO 11)**

- s. All applicable school mitigation fees shall be paid pursuant to State law. **(MM-PSU 1)**
  - t. The Applicant will be required to pay the prevailing sewer connection fee plus five percent of the OCSD connection fee. **(MM-PSU 3)**
  - u. The Applicant will be required to pay appropriate fees for water service connections, installation, and meters. In addition, the City requires payment of a service fee for industrial customers. **(MM-PSU 4)**
  - v. The Applicant will coordinate with the City's recycling representative to ensure that the proposed project is in compliance with the City's waste reduction and recycling program. **(MM-PSU 5)**
  - w. In order to minimize potential construction impacts to nesting savannah sparrows adjacent to the proposed desalination facility, a pre-construction nesting survey will be performed by a qualified biologist in consultation with applicable regulatory agencies. Should nesting savannah sparrows be found, adequate mitigation (such as relocation, construction noise abatement measures, etc.) will be implemented as appropriate based on the findings of the pre-construction survey. **(MM-CON 41)**
- 7. The structures cannot be occupied, the final building permits cannot be approved, utilities cannot be released, the use cannot commence, and the Certificate of Occupancy cannot be issued until the following has been completed:**
- a. Automatic sprinkler systems shall be installed throughout. **(FD)**
  - b. Backflow protection shall be constructed per the Huntington Beach Water Division Standards Plans for irrigation and fire suppression water services.
  - c. A fire alarm system will be installed to comply with Huntington Beach Fire Department Code. **(FD)**
  - d. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
  - e. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.
  - f. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
  - g. Secured entries shall utilize strobe-switch activated, automated gates and comply with City Specification #403-*Fire Access for Pedestrian or Vehicular Security Gates*. **(FD)**
  - h. Secondary emergency access gates must be secured with KNOX and association (if any) hardware. **(FD)**

- i. Fire extinguishers shall be installed and located in areas to comply with HBFC standards found in City Specification #424-*Portable Fire Extinguishers*. **(FD)**
- j. Address numbers shall be installed to comply with City Specification #428-Premise Identification. Number sets may be required on front and rear of the structure. **(FD)**
- k. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415-*Fire Lane Signs*. Additionally, the site plan shall show all fire lanes. If prior to approved signage fire lane violations occur and the services of the Fire Department are required, the applicant may be liable for related expenses. **(FD)**
- l. Complete all improvements as shown on the grading and improvement plans. **(PW)**
- m. All landscape irrigation and planting installation shall be certified to be in conformance with the City-approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- n. Applicant shall provide the City with Microfilm copies (in City format) and a CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped “Permanent File Copy” prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- o. The applicant shall demonstrate that final coverage under the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number. **(PW)**

**8. During demolition, grading, site development, and/or construction, the following shall be adhered to:**

- a. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. **(PW)**
- b. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. **(PW)**
- c. Wet down the areas that are to be graded or that are being graded, in the late morning and after work is completed for the day. **(PW)**
- d. The construction disturbance area shall be kept as small as possible. **(PW)**
- e. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. **(PW)**

- f. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. **(PW)**
- g. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. **(PW)**
- h. Six foot high dust/wind barriers shall be installed along the perimeter of the site. **(PW)**
- i. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas. **(PW)**
- j. Comply with the “Water Quality Management Plan” requirements. **(PW)**
- k. Construction equipment shall be maintained in peak operating condition to reduce emissions.
- l. Use low sulfur (0.5%) fuel by weight for construction equipment.
- m. Truck idling shall be prohibited for periods longer than 10 minutes.
- n. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
- o. Discontinue operation during second stage smog alerts.
- p. 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.
- q. Compliance with 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. **(Code Requirement)**
- r. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**
- s. To reduce project-related construction noise impacts generated by the proposed project, the following conditions shall be implemented: **(MM-CON 12)**
  - 1) Construction activities shall be limited to hours specified by the City Noise Ordinance; and
  - 2) Unnecessary idling of internal combustion engines shall be prohibited.
- t. During construction, a security fence, the height of which shall be determined by the City of Huntington Beach Department of Building and Safety, shall be installed around the perimeter of the site. The construction site shall be kept clear of all trash, weeds, etc. **(MM-CON 14)**

- u. Construction activities, to the extent feasible, shall be concentrated away from adjacent residential areas. Equipment storage and soil stockpiling shall be at least 100 feet away from adjacent residential property lines. **(MM-CON 15)**
- v. Prior to excavation of the contaminated and other areas for rough grading, the project site shall be cleared of all excess vegetation, surface trash, piping, debris and other deleterious materials. These materials shall be removed and disposed of properly (recycled if possible). **(MM-CON 16)**
- w. Proper excavation procedures shall be followed to comply with OSHA's Safety and Health Standards. If applicable, the South Coast Air Quality Management District (SCAQMD) Rule 1166 permit shall be obtained prior to the commencement of excavation and remedial activities. **(MM-CON 17)**
- x. The contractor shall follow all recommendations contained within the adopted Remedial Action Plan for the project site. **(MM-CON 18)**
- y. If asbestos or lead-based paints are identified in any on-site structures, the contractor shall obtain a qualified contractor to survey the project site and assess the potential hazard. The contractor shall contact the SCAQMD and the City of Huntington Beach Departments of Planning and Building and Safety prior to asbestos/lead paint removal. **(MM-CON 19)**
- z. If any hazardous materials not previously addressed in the mitigation measures contained herein are identified and/or released to the environment at any point during the site cleanup process, operations in that area shall cease immediately. At the earliest possible time, the contractor shall notify the City of Huntington Beach Fire Department of any such findings. Upon notification of the appropriate agencies, a course of action will be determined subject to the approval of the by the City of Huntington Beach Department of Public Works. **(MM-CON 20)**
- aa. All structures must be cleaned of hazardous materials prior to off-site transportation, or hauled off-site as a waste in accordance with applicable regulations. **(MM-CON 21)**
- bb. Structure removal operations shall comply with all regulations and standards of the SCAQMD. **(MM-CON 22)**
- cc. The contractor shall post signs prior to commencing remediation, alerting the public to the site cleanup operations in progress. The size, wording and placement of these signs shall be reviewed and approved by the City of Huntington Beach Departments of Planning and Public Works. **(MM-CON 23)**
- dd. Any unrecorded or unknown wells uncovered during the excavation or grading process shall be immediately reported to and coordinated with the City of Huntington Beach Fire Department and State Division of Oil, Gas, and Geothermal Resources (DOGGR). **(MM-CON 24)**

- ee. During remediation, if any soil is found to be hazardous due to contamination other than petroleum hydrocarbons, it will be segregated, stockpiled, and handled separately. **(MM-CON 25)**
  - ff. Dust and volatile organic emissions from excavation activities shall be controlled through water spray or by employing other approved vapor suppressants including hydromulch spray in accordance with Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements and the South Coast Air Quality Management District (SCAQMD) permit conditions. **(MM-CON 26)**
  - gg. Prior to initiating the removal of structures and contaminated materials, the contractor must provide evidence that the removal of materials will be subject to a traffic control plan, for review and approval by the by the City of Huntington Beach Department of Public Works. The intent of this measure is to minimize the time period and disruption of heavy duty trucks. **(MM-CON 31)**
  - hh. Construction related activities will be subject to, and comply with, standard street use requirements imposed by the City of Huntington Beach, County and other public agencies, including the use of flagmen to assist with haul truck ingress and egress of construction areas and limiting the large size vehicles to off-peak commute traffic periods. **(MM-CON 32)**
  - ii. During periods of heavy equipment access or truck hauling, the Contractor will provide construction traffic signage and a construction traffic flagman to control construction and general project traffic at points of ingress and egress and along roadways that require a lane closure. **(MM-CON 34)**
9. Prior to the excavation process for pipeline construction, the contractor shall coordinate with the County of Orange's Integrated Waste Management Department in order to ensure that proposed pipeline construction does not impact drainage of the former Cannery Street Landfill. **(MM-CON 27)**
10. Methane migration features will be consistent with the requirements of the City of Huntington Beach Specification Number 429 and other applicable state and federal regulations. The methane migration features shall be submitted for review and approval to the Orange County Health Care Agency (OCHCA), Environmental Health Division. **(MM-CON 28)**
11. Studies to evaluate the potential for landfill gas (LFG) generation and migration will be completed prior to implementation of the proposed water delivery component of the project. Appropriate mitigation measures will be coordinated with the South Coast Air Quality Management District, Solid Waste Local Enforcement Agency, Regional Water Quality Control Board, and the City of Huntington Beach Fire Department. Mitigation measures could entail active or passive extraction of LFG to control surface and off-site migration and passive barriers with vent layers and alarm systems below trenches and within 1,000 feet of the former Cannery Street Landfill boundary. A comprehensive monitoring network will be established along the pipeline alignment adjacent to the landfill. Periodic monitoring of the monitoring network will be performed. **(MM-CON 29)**
12. A Traffic Management Plan (TMP) shall be prepared and implemented to the satisfaction of the affected jurisdiction within which the facilities are to be constructed when the facilities are to be

located where construction would affect roadways. The TMP shall include, but not be limited to, the following measures: **(MM-CON 30)**

- a. Limit construction to one side of the road or out of the roadbed where possible;
  - b. Provision of continued access to commercial and residential properties adjacent to construction sites;
  - c. Provide alternate bicycle routes and pedestrian paths where existing paths/ routes are disrupted by construction activities, if any;
  - d. Submit a truck routing plan, for approval by the City of Huntington Beach, County, and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal;
  - e. Where construction is proposed for two-lane roadways, confine construction to one-half of the pavement width. Establish one lane of traffic on the other half of the roadway using appropriate construction signage and flagmen, or submit a detour plan for approval by the City Traffic Engineer;
  - f. The Traffic Management Plan shall be approved by affected agencies at least two weeks prior to construction. Per Caltrans requirements, the applicant shall submit the Traffic Management Plan to Caltrans at the 90-percent design phase;
  - g. Construction activities shall, to the extent feasible, be coordinated with other construction activity taking place in the affected area(s); and
  - h. Provide for temporary parking, where necessary, during installation of pipelines within the AES site.
13. The Contractor shall obtain the necessary right-of-way encroachment permits and satisfy all permit requirements. Also, nighttime construction may be performed in congested areas. **(MM-CON 33)**
14. Prior to the commencement of any directional boring for water conveyance pipeline implementation, the applicant shall prepare a Frac-Out Contingency Plan. The plan shall establish criteria under which a bore would be shut down (e.g., loss of pressure, loss of a certain amount of returns) and the number of times a single bore should be allowed to frac-out before the bore is shut down and reevaluated. It will also clearly state what measures will be taken to seal previous frac-outs that have occurred on a given bore to ensure that it does not become the path of least resistance for subsequent frac-outs. Additionally, the site-specific Frac-Out Contingency Plan will be prepared and reviewed by the City Engineer and appropriate resource agencies prior to each major bore. **(MM-CON 40)**
15. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

16. The applicant and applicant's representatives shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS:**

1. Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 shall not become effective until the ten calendar day appeal period has elapsed or until the ten working day appeal period has elapsed for Coastal Development Permit. Because the project is in the **appealable area** of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
2. Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05 shall become null and void unless exercised within one year of the date of final approval which is May 27, 2004, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 02-04 and Coastal Development Permit No. 02-05, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Department, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
6. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
7. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
8. A Mitigation Monitoring Fee shall be paid to the Planning Department prior to the issuance of Building Permits.
9. Park Land In-Lieu Fees shall be paid at issuance of building permits.
10. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.

11. The development shall meet all local and State regulations regarding installation and operation of all underground storage tanks. **(FD)**
12. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.
13. The Water Ordinance #14.52, the “Water Efficient Landscape Requirements” apply for projects with 2500 square feet of landscaping and larger. **(PW)**
14. All existing and new utilities shall be undergrounded. **(PW)**
15. Traffic impact fees shall be paid at a rate of \$124 per net new added daily trip at the time of final inspection or issuance of a Certificate of Occupancy. This rate is subject to change pursuant to any subsequent action by the City Council. **(PW) (MM-PSU 2)**
16. An Encroachment Permit is required for all work within the City’s right-of-way. **(PW)**
17. The applicant is hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code 66020.