

REVISED - July 22, 2003

(Items shown as bold and underlined are new.

Staff recommended changes to the new items are shown in italics)

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 desalinization 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, **including the adjacent wetlands**, 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. **The final site design storm hydrology and hydraulics shall be in such a manner that there will be the least possible impact to the adjacent wetlands.**
 - 9) Areas for containment shall be provided to mitigate possible spillage of any materials affecting storm water quality that may be stored on-site, **and to protect the adjacent wetlands to the maximum extent feasible.**
 - 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 85th 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 **and to protect the adjacent wetlands to the maximum extent feasible**. 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.
 - 3) **All fertilizers and pesticides used by the plant shall not pose any harmful effects upon plants, animals, and marine life in the adjacent wetland.**
- aa. Appropriate site-specific hydrology and hydraulic analysis will be performed for the project prior to the issuance of grading or building permits, which ever comes first. The analysis shall include mitigation measures, if necessary, in regards to storm water drainage and flooding, **and to ensure protection of the adjacent wetlands.** (MM-HWQ 2)
 - bb. Prior to the issuance of grading or building permits, which ever 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 15th to April 15th.
 - 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)

- kk. **The applicant shall enter into an agreement with the City for the purpose of identifying and assuring payment of a fee to the City of Huntington Beach on an annual basis in lieu of the City's prior share of property taxes paid by the Poseidon facility in case the project is sold to a tax exempt entity.**

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)**
- p. **The applicant shall demonstrate that all measures ~~necessary~~ required by these conditions to protect the adjacent wetlands have been implemented.**

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 **and maintained in such a manner that there will be the least possible impact to ~~shall not adversely impact~~ the adjacent wetland.** **(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 **and wetlands**. **(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)**
- jj. **If grading operations uncover paleontological/archeological resources, the applicant shall suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archeological resources. An archeologist shall report such findings to the Planning Department. If the paleontological/archeological resources are found to be significant, the City shall determine appropriate actions, in cooperation with the applicant, for exploration and salvage.**

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.
17. **The applicant shall completely remove the storage tanks from the site within 18 months from the date of approval by the Coastal Commission of City building permits and agreements.**

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~~ **July 22, 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.

- 18. The applicant or its successor shall notify the City of Huntington Beach within 10 days of being informed by AES Inc., or its successors, that electric power production shall cease permanently. If the applicant or its successor intends to remain operational after power production ceases permanently, they shall apply apply for an amendment to the ~~new~~ Conditional Use Permit/Coastal Development Permit from the City relative to the intake of seawater.**
- 19. The applicant or its successor shall comply with all legally enforceable directives, requirements, orders, or other regulatory requirements of federal, state, and local regulatory agencies having jurisdiction over the adjacent wetlands, whether in the existing degraded conditions or as a restored wetland relative to the desalination plant.**
- 20. If the applicant or its successor intends to remain operational after power production ceases permanently, the applicant or its successor shall comply with all legally enforceable directives, requirements, orders, or other regulatory requirements imposed by federal, state, and local regulatory agencies to mitigate, abate, or prevent conditions that cause the impingement or entrainment of marine life ~~within~~ relative to the intake of seawater for the desalination facility.**
- 21. The applicant shall produce potable water of quality that is in compliance with all applicable regulatory requirements. In addition, the applicant shall supply Irvine Ranch Water District (IRWD) with water of quality that does not cause the IRWD to violate the pertinent limits of the IRWD reuse permit, applicable to the desalinated water quality at the time the proposed project is ready to begin the supply of desalinated water to the IRWD. The applicant shall reach an agreement with the Municipal Water District of Orange County (MWDOC) and its affected member agencies regarding the specific requirements of the quality of the desalinated water prior to beginning construction of the desalination plant. If agreement between the two parties is not reached by then, MWDOC has the right to reject the use of desalinated water.**