

5.1 LAND USE/RELEVANT PLANNING

The purpose of this section is to discuss the impacts of project implementation upon land uses on the project site and adjacent areas. This section includes a discussion of existing conditions including on-site and off-site land uses. Potential impacts of the proposed project are examined including compatibility with surrounding land uses, the City of Huntington Beach General Plan, the City of Huntington Beach Local Coastal Program, and the City of Huntington Beach Zoning and Subdivision Ordinance.

EXISTING CONDITIONS

PROPOSED DESALINATION FACILITY SITE

On-Site Land Uses

The approximately eleven-acre desalination facility site is located within the City of Huntington Beach, south of Hamilton Avenue, north of Pacific Coast Highway, east of Newland Street, and west of Magnolia Street. The proposed project site consists of three fuel storage tanks formerly used in conjunction with the Huntington Beach Generating Station. The “west” tank site (location for the aboveground product water storage tank) is also developed with a fuel storage tank. For additional information regarding existing conditions, refer to Section 3.0, *PROJECT DESCRIPTION*, Exhibit 3-2, *SITE VICINITY MAP*, and Exhibit 5.7-1, *DESALINATION FACILITY SITE PHOTOGRAPHS*.

Adjacent Land Uses

Surrounding adjacent land uses to the desalination site include the AES Huntington Beach Generating Station (HBGS) to the southwest, a wetland area to the southeast, the Huntington Beach Channel (a facility operated by the Orange County Flood Control District [OCFCD]) to the east, a fuel oil storage tank to the north, and an electrical switchyard to the west. Additional surrounding land uses include Pacific Coast Highway to the south; the Pacific Holdings storage tank facility to the east; Ascon/Nesi Landfill to the northeast; commercial, industrial, recreational, and residential uses to the north; and Newland Street, Huntington-By-The-Sea Mobile Home Park, and Cabrillo Mobile Home Park to the west.

OFF-SITE PIPELINE ALIGNMENT AND UNDERGROUND PUMP STATIONS

On-Site Land Uses

Proposed Pipeline Alignment

The proposed pipeline alternatives (refer to Exhibit 3-3, *CONCEPTUAL PIPELINE ALIGNMENTS*) are proposed to be routed primarily within existing street right-of-way and easements. However, portions of the pipeline alignments are proposed to be installed within areas of the Costa Mesa Country Club (Costa Mesa) and Fairview State Hospital (Costa Mesa).

OC-44 Booster Pump Station

The proposed OC-44 underground pump station site is located within an Orange County Resource Preservation Easement, and is currently occupied by open space and vegetation (refer to Exhibit 5.7-3, *BOOSTER PUMP STATION LOCATION PHOTOGRAPHS*). Although the Resource Preservation Easement is subject to various development restrictions, the pump station would be

situated in an area of the easement where limited development is allowed and two underground pump stations already exist. The footprint of the proposed underground pump station would be approximately 100 feet by 100 feet, and would require a construction easement of 125 feet by 125 feet. It should be noted that the proposed pump station site is located adjacent to (but not within) a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) area.

Coastal Junction Booster Pump Station

The Coastal Junction underground booster pump station is proposed within the parking lot of St. Paul's Greek Orthodox Church within the City of Irvine, located at 4949 Alton Parkway. The underground pump station would be constructed within the north/northwestern portion of the church parking lot, in an area used for both parking and volleyball activities. The footprint of the proposed underground pump station would be approximately 100 feet by 100 feet, and would require a construction easement of 125 feet by 125 feet. Also refer to Exhibit 5.7-3, *BOOSTER PUMP STATION LOCATION PHOTOGRAPHS*.

Adjacent Land Uses

Proposed Pipeline Alignment

The proposed alternative pipeline alignments are situated adjacent to a variety of land uses, including residential, commercial, educational, medical, and recreational.

OC-44 Booster Pump Station

The proposed OC-44 booster pump station site is surrounded by open space to the north, open space and residential to the east, two existing underground pump stations, open space, and residential to the west, and open space to the south. It should be noted that the proposed pump station site is located adjacent to (but not within) a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) area.

Coastal Junction Booster Pump Station

The Coastal Junction pump station site is surrounded by the St. Paul's Church to the south, the Woodbridge Village Association to the west, an apartment complex to the east and open space to the north.

RELEVANT PLANNING

Zoning and Subdivision Ordinance

The purpose of the City's Zoning and Subdivision Ordinance is to implement the policies of the City of Huntington Beach General Plan. The goal of this document is to promote and protect the public health, safety, and general welfare of Huntington Beach residents and provide the physical, economic, and social advantages, which result from a comprehensive and orderly planned use of land resources. The City of Huntington Beach General Plan designates the proposed project site as Public (P). Typical permitted uses within areas of this designation include governmental administrative and related facilities, such as utilities, schools, public parking lots, infrastructure, religious, and similar uses. The project site is zoned as Public-Semipublic with Oil and Coastal Zone Overlays (PS-O-CZ). This district provides for similar uses to those allowed by the City of Huntington Beach General Plan. The Seawater Desalination Project at Huntington Beach is a permitted use (refer to Exhibit 5.1-1, *ZONING*). The proposed desalination facility does not propose to change any existing zoning designations. As the subject site is located within the coastal zone,

the City's Local Coastal Program is inclusive of the Zoning and Subdivision Ordinance and its policies.

City of Huntington Beach General Plan

The City of Huntington Beach General Plan is used by the City of Huntington Beach as the document to set baseline land use criteria within the City (refer to Exhibit 5.1-2 *LAND USE DESIGNATIONS*). The project site is designated as "Public (P)" by the City's General Plan. Typical permitted uses within areas of this designation include governmental administrative and related facilities, such as utilities, schools, public parking lots, infrastructure, religious, and similar uses. The policies and portions of the following General Plan Elements are relevant to the proposed project:

Local Coastal Program (Coastal Element)

The California Coastal Act of 1976 requires that local governments lying whole or in part within the coastal zone prepare a Local Coastal Program for its portion of the coastal zone. The Coastal Zone within the City of Huntington Beach runs from the northern City limit at Seal Beach, south nine miles to the Santa Ana River at the Huntington Beach/Newport Beach boundary, totaling approximately five square miles. The following policies of the Local Coastal Program are relevant to the proposed desalination facility, as it lies within the Coastal Zone:

- ❖ Policy 1.1.1 (page Coastal Element IV-C-100): 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.
- ❖ Policy 4.2.1 (page Coastal Element IV-C-111): Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:
 1. Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
 2. Adequate landscaping and vegetation.
 3. Evaluation of project design regarding visual impact and compatibility.
 4. Incorporate landscaping to mask oil operations and major utilities, such as the electrical power plant on Pacific Coast Highway.
- ~ Policy 4.2.3 (page Coastal Element IV-C-111): Promote the preservation of significant public view corridors to the coastal corridor, including views of the sea and the wetlands through strict application of local ordinances, design guidelines, and related planning efforts, including defined view corridors.
- ~ Policy 4.7.1 (page Coastal Element IV-C-114): Promote the use of landscaping material to screen uses that detract from the scenic quality of the coast along public right-of-way and within public view.
- ~ Policy 4.7.5 (page Coastal Element IV-C-114): 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.

- ~ Policy 4.7.8 (page Coastal Element IV-C-114): Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way.
- ~ Policy 4.7.9 (page Coastal Element IV-C-114): Require the removal of non-productive oil production facilities and the restoration of the vacated site.
- ~ Policy 6.1.1 (page Coastal Element IV-C-116): Require that new development include mitigation measures to prevent the degradation of water quality of groundwater basins, wetlands, and surface water.
- ~ Policy 6.1.13 (page Coastal Element IV-C-119): Encourage research and feasibility studies regarding ocean water desalinization as an alternative source of potable water. Participate in regional studies and efforts where appropriate.
- ~ Policy 6.1.19 (page Coastal Element IV-C-119): Prior to approval of any new or expanded seawater pumping facilities, require the provision of maximum feasible mitigation measures to minimize damage to marine organisms due to entrainment in accordance with State and Federal law.
- ~ Policy 7.1.3 (page Coastal Element IV-C-121): 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.
- ~ Policy 7.1.4 (page Coastal Element IV-C-121): 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.

1. Biological significance of adjacent lands: The buffer should be sufficiently wide to protect the functional relationship between wetland and adjacent upland.
2. 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.
3. 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.
4. Use of existing cultural features to located buffer zones: Where feasible, development and buffer zones should be located on the sides of roads,

dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.

- ❖ Policy 7.1.5 (page Coastal Element IV-C-122): Notify State and Federal agencies having regulatory authority in wetlands and other environmentally sensitive habitats when development projects in and adjacent to such areas are submitted to the City. The implementation of any Habitat Conservation Plan shall require an amendment to

Exhibit 5.1-1

Zoning

Insert Exhibit 5.1-2 LAND USE DESIGNATIONS

the Local Coastal Program. Incidental take of sensitive habitat and/or species that occurs in the context of development must be consistent with this LCP.

- Policy 10.1.4 (page Coastal Element IV-C-128): Require appropriate engineering and building practices for all new structures to withstand ground shaking and liquefaction such as those stated in the Uniform Building Code.

Land Use Element

- Policy LU 4.1.1 (page II-LU-20): Require adherence to or consideration of the policies prescribed for *Design and Development* in this Plan, as appropriate.
- Policy LU 4.1.2 (page II-LU-20): Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.
- ❖ Policy LU 4.1.6 (page II-LU-20): Require that commercial and industrial development incorporate adequate drought-conscious irrigation systems and maintain the health of the landscape.
- Policy LU 4.2.1 (page II-LU-20): 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.
- Policy LU 4.2.4 (page II-LU-20): Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.
- Policy LU 4.2.5 (page II-LU-20): Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal laws such as the American's with Disabilities Act.
- Policy LU 5.1.1 (page II-LU-21): Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and State (CEQA) regulations.

During the development review process:

1. Review any development proposal for the Bolsa Chica area to ensure that no development is permitted in Federally delineated wetlands; and
 2. Review any development proposed for non-wetland areas to ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality.
- Policy LU 7.1.2 (page II-LU-22): Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development A Overlay Schedule as appropriate.
 - Policy LU 7.1.5 (page II-LU-22): Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resource.

- ~ Policy LU 12.1.4 (page II-LU-41): Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and compatible with existing uses.
- ~ Policy LU 12.1.5 (page II-LU-41): 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:
 1. Use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass;
 2. Architectural design treatment of all building elevations;
 3. Use of landscaping in open spaces and parking lots, including broad landscaped setbacks from principal peripheral streets;
 4. Enclosure of storage areas with decorative screening or walls;
 5. Location of site entries to minimize conflicts with adjacent residential neighborhoods; and
 6. Mitigation of noise, odor, lighting, and other impacts.
- ~ Policy LU 12.1.7 (page II-LU-42): 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.

Urban Design Element

- ~ Policy UD 2.1.1 (Page II-UD-27): Require that new development be designed to consider coastal views in its massing, height, and site orientation.

Economic Development Element

- ~ Policy ED 2.5.2 (Page II-ED-24): Seek to capture new growth industries such as, but not limited to:
 1. Knowledge based industries, such as research and development firms (higher technology communications and information industries);
 2. Communication industry service providers and equipment manufacturers which are creating the next series of consumer and utility company equipment and services;
 3. Biotechnical industries;
 4. Environmental technology; and
 5. Point of sale industries.

Environmental Resources/Conservation Element

- ~ Policy ERC 4.1.5 (Page IV-ERC-25): Promote the preservation of public view corridors to the ocean and the waterfront through strict application of local ordinances, design guidelines and related planning efforts, including defined view corridors.

Air Quality Element

- ~ Policy AQ 1.8.2 (Page IV-AQ-15): Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Environmental Hazards Element

- ~ Policy EH 1.2.1 (Page V-EH-24): Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code (UBC).

Noise Element

- ~ Policy N 1.2.2 (Page V-N-6): 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.

Hazardous Materials Element

- ~ Policy HM 1.1.4 (Page V-HM-7): Implement federal, state, and local regulations for the handling, storage, and disposal of hazardous materials.
- ~ Policy HM 1.2.2 (Page V-HM-7): Ensure that hazardous waste transportation activities are conducted in a manner that will minimize risks to sensitive uses.
- ~ Policy HM 1.4.4 (Page V-HM-8): Require that owners of contaminated sites develop a remediation plan with the assistance of the Orange County Environmental Management Agency (EMA).

Southeast Coastal Redevelopment Plan

The proposed project site is located within the Southeast Coastal Redevelopment Plan area. This redevelopment plan became effective in August of 2002, with the associated Program EIR certified in June of 2002. As adoption of the Southeast Coastal Redevelopment Plan did not change any General Plan or zoning designations within the redevelopment area (including the proposed desalination facility site), the proposed Seawater Desalination Project at Huntington Beach will be consistent with the Southeast Coastal Redevelopment Plan, General Plan, and zoning.

California Coastal Act

As the proposed project is situated within the Coastal Zone in the City of Huntington Beach, and the City has an approved Local Coastal Plan, the desalination facility will require a Coastal Development Permit from the City. However, various types of development within the Coastal Zone are also required to obtain a Coastal Development Permit from the California Coastal Commission. These developments are defined in the California Coastal Act (January 1, 2004), Section 30106 as, "on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste...or construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility..." As such, the proposed desalination facility's ocean discharge will require separate review and approval by the California Coastal Commission of a Coastal Development Permit.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONAL COMPREHENSIVE PLAN AND GUIDE

Growth Management Chapter

- ❖ 3.03: The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.
- ❖ 3.18: Encourage planned development in locations least likely to cause adverse environmental impacts.
- ❖ 3.21: Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.
- ❖ 3.22: Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.
- ❖ 3.23: Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.

Air Quality Chapter

- ❖ 5.11: Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional, and local) consider air quality, land use, transportation, and economic relationships to ensure consistency and minimize conflicts.

IMPACTS

Significance Criteria

A project will normally have a significant adverse environmental impact on land use if it results in any of the following:

- ~ Physically divide an established community;
- ~ Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and/or
- ~ Conflict with any applicable habitat conservation plan or natural community conservation plan.

Potential impacts related to land use and relevant planning have been identified and are categorized below according to topic.

LAND USE

The project proposes to implement a seawater desalination facility on a site surrounded by industrial uses. Residential uses are situated in the site vicinity, the nearest of which is located

approximately 500 feet west of the subject site. The project has the potential to create impacts with regards to air quality, noise, aesthetics, hazards and hazardous materials, and short-term construction impacts (addressed in the corresponding EIR section). However, the proposed desalination facility would be consistent with the City of Huntington Beach General Plan, Local Coastal Program, and Zoning and Subdivision Ordinance, and will be subject to discretionary review and conditions of approval as part of the City's Conditional Use Permit and Coastal Development Permit process. In addition, the proposed project would replace dilapidated fuel oil storage tanks with a desalination facility and aboveground product water storage tank, which would improve the site's aesthetic character.

The existing site does not provide coastal access and the proposed desalination facility does not interfere or limit access to the coast by the public. The project does not affect the visual elements of the coastal environment. All the proposed facilities are shorter than the existing structures that will be removed. The City's Design Review Board has approved the design of the project, including all landscaping. The treatment facilities are located inside an existing industrial site and will be buffered by the approved landscaping.

HBGS is permitted to withdraw seawater from the ocean 24 hours per day to meet its cooling water needs. The project will not pump or withdraw seawater directly from the ocean. The project is designed to withdraw water from the discharge pipeline of the HBGS cooling water system.

Concern was raised through comments on the previously circulated EIR that approval of the desalination facility would extend the life of the HBGS. This is not the case. As evidenced by the following statement, the California Energy Commission (CEC) is aware of the proposed project and its relationship to the HBGS. "AES (as the land owner) and Poseidon Company have filed for a Conditional Use Permit with the City of Huntington Beach to construct and operate a water desalination facility on a portion of the 53-acre site. The possible development of a desalination facility would not have an effect on the land use considerations relevant to the proposed project (AES retooling). Any land use impacts generated by the desalination facility would be identified and evaluated in the City's environmental analysis."¹

With implementation of standard construction measures and recommended mitigation measures throughout the EIR, there are no anticipated significant land use impacts associated with short-term construction/remediation activities or long-term facility operation. The proposed pipeline alternatives and underground pump station are adjacent to a variety of land uses, including residential, open space, commercial, educational, medical and recreational. However, the pipelines and underground pump stations would be subsurface and are not anticipated to result in any long-term land use impacts. In addition, it should be noted that the St. Paul's Greek Orthodox Church has been notified of the proposed pump station and has provided a letter of interest in response. These issues are discussed within other EIR sections, including 5.4 (Air Quality), 5.5 (Noise), 5.7 (Aesthetics/Light & Glare), 5.8 (Hazards and Hazardous Materials), and 5.9 (Construction Related Impacts).

RELEVANT PLANNING

The project evaluated within this EIR proposes to implement a 50 mgd desalination facility within an industrial area. Project implementation would be consistent with the City of Huntington Beach General Plan, Local Coastal Program, and Zoning and Subdivision Ordinance, and SCAG Regional Comprehensive Plan and Guide (RCPG) because it would be consistent with the goals and policies of each plan, program and ordinance. During the design development stage, the Applicant will be

¹ May 2001 Certification of Units 3 and 4 for the HBGS, page 14.

submitting more detailed plans reflecting code and policy compliance with specific issues. No significant relevant planning issues have been identified.

MITIGATION MEASURES

LAND USE

None required.

RELEVANT PLANNING

None required.

UNAVOIDABLE SIGNIFICANT IMPACTS

None have been identified.