

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

WEDNESDAY, MARCH 3, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Rosemary Medel, Andrew Gonzales, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2009-007 (ASCON LANDFILL-INTERIM
REMOVAL MEASURES)**

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

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

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

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

PROJECT PLANNER: Rosemary Medel

Rosemary Medel, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

THE PUBLIC HEARING WAS OPENED.

Tamara Zeier, applicant, stated that the start time for the project would commence at 6:00AM in order to accommodate a daily safety meeting.

Dominic Menaldi, resident, asked the applicant to replace the barbed wire fencing with a wall in order to contain the potential runoff water from the lagoon.

Ms. Zeier stated that the fencing was intended to prevent trespassing not to alleviate potential drainage issues.

Mary Urashima, Project Navigator, stated the property Mr. Menaldi is referring to is separate from the project property. She noted that Project Navigator does not control that property but has noticed the drainage issue in question. Ms. Zeier stated that Project Navigator has been working with city staff to address any drainage concerns on the project site.

Guy Adams, resident, stated that the proposed 6:00AM start time is too early.

Ms. Zeier stated that the 6:00AM start time is specifically for a staff meeting and that the trucks will not begin operating until 7:00 AM. Mr. Adams suggested that the operating hours should not begin until 8:00AM in order to alleviate any traffic impacts and asked that a specific closing time be identified. Mr. Adams requested information on the specific parties that have access to the site. Ms. Zeier stated that the property owners, the Department of Toxic Substance Control (DTSC), and the Huntington Beach Fire and Police Departments have access to the site. Mr. Adams noted that access to the site had historically been misused and expressed concern that this might continue. Mary Urashima, Project Navigator, encouraged Mr. Adams to contact the police if he witnesses any illegal activity.

Mary Jo Baretich, resident, asked if tenting would be used for contamination control. Ms. Zeier stated that air technicians would be onsite full time to monitor the air and that perimeter air sampling and monitoring would be conducted in compliance with the Air Quality Management District.

Jim Zisch, resident, asked if the public would have access to the real time air quality monitoring. Ms. Zeier indicated that she would forward the request to the DTSC.

John Scott, resident, expressed concern about the potential health impacts. Ms. Zeier stated that the air quality monitoring would help ensure the safety of the workers and nearby residents.

Milt Dardis, resident, expressed concern that the project may be delayed and asked for a specific start date for the project. Ms. Zeier stated that the goal is to commence work as soon as approval is received from DTSC.

Merle Moshiri, resident, expressed concern with the proposed operating hours due to potential traffic impacts. Ms. Zeier noted that the trucks are prohibited from idling in the streets, which should limit potential traffic impacts.

Ms. Urashima stated that the working hours were selected to allow the majority of work to be completed during the dry season. Mr. Ramos asked if a later start time would be acceptable. Ms. Zeier stated that early start time allows the trucks to exit the site by 1PM and reach the drop off facilities before closing. She noted that no haul trucks would operate on Saturdays.

John Binaski, resident, asked for information regarding the health effects on the neighboring schools and residents. There was a brief discussion on cancer rates in the area.

Pat Goodman, resident, requested information on the total number of daily truck trips. Mr. Ramos stated that there would be upwards of 70 trips per day.

Nelson Kayagi, resident, expressed concern regarding the safety of the local school children and requested information on air quality alerts. Ms. Urashima stated that staff is working with Edison High School and Eader Elementary School to address any potential issues and alleviate any safety issues due to the potential air quality and traffic impacts.

Mr. Dardis reiterated his concern regarding any potential delays to the project.

Mr. Binaski asked for more information regarding the air quality monitoring devices. Ms. Zeier gave a brief overview of the monitoring devices and the monitoring process.

Ms. Baretich asked for information on the truck routes. Ms. Zeier stated that a hauling route permit had not been issued yet but that the route would be posted online once it is issued.

Ms. Moshiri stated that she felt the notification area should be expanded. Ms. Urashima stated that residents within a quarter mile of the site are directly noticed with additional notification in the local newspaper. Safouh Sayed, DTSC, stated that DTSC is in the process of expanding the mailing radius.

Marinka Horack, asked for the possible truck route. Ms. Zeier detailed the proposed haul route but reiterated that the route had not yet been approved and permitted.

Mr. Adams repeated his concerns regarding access to the site and stressed the need to protect the safety of residents. He asked that the start time be modified to 8:00 AM. Mr. Adams indicated he would like to know what parties are funding the project. Ms. Urashima briefly reviewed the site history and the list of cooperating partners funding the project. She stated that no public funds are being used for the project.

Ms. Zeier stated that she had reviewed the suggested findings and conditions of approval and had no changes. Mr. Ramos asked if an 8:00 AM start time would be acceptable. Ms. Urashima stated that it would prolong the duration of the work.

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

Mr. Ramos indicated that he would allow the start time to remain at 6:00 AM.

Ms. Zeier asked for clarification on Condition No. 4. Ms. Urashima noted that there is an Memorandum of Understanding between Ascon and the Public Work Department to address the issue of potential pavement degradation.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with minor modifications to the findings and conditions.

COASTAL DEVELOPMENT PERMIT NO. 2009-007 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that because the Department of Toxic Substances Control is the lead agency and is processing a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines the project is exempt from any additional CEQA

provisions imposed by the City of Huntington Beach. The City finds that this project is exempt pursuant to Section 15330 of the California Environmental Quality Act because the project will mitigate the future remediation of the site upon the analysis conducted as part of this Interim Removal Measure analysis.

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

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

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

1. The revised Interim Removal Measure dated October 2009 shall be the conceptually approved project.
2. Prior to the issuance of permits or the commencement of work, the following shall be completed:
 - a. The final version of the Interim Removal Measure workplan shall be submitted for Public Works and Planning and Building Department review and approval. **(PW-PL&B)**
 - b. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to

the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP). **(PW)**

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 3:00 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 31, 2010, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc