

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

WEDNESDAY, SEPTEMBER 5, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Rosemary Medel, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: DRAFT MITIGATED NEGATIVE DECLARATION NO. 12-02 (WARNER AVENUE SEWER LIFT STATION PROJECT)

APPLICANT: Andrew Ferrigno, Public Works Department, City of Huntington Beach

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA, 92648

REQUEST: To analyze the potential environmental impacts associated with replacement of existing sewer facilities. The project will replace sewer Lift Station #C in a new location and demolish existing Lift Stations #B and #C, former Lift Station #D, and an existing Sunset Beach Sanitary District Lift Station, as well as 12 sanitary manholes located within the Warner Avenue and PCH public street rights-of-way. Construction includes new gravity sewers from the existing lift stations to the new Lift Station #C; a new 12-inch forcemain from new Lift Station #C across the Warner Avenue Bridge to Weatherly Lane; and a new 15-inch gravity sewer from the new 12-inch forcemain terminus near Weatherly Lane to Edgewater Avenue. The proposed project has been designed to serve existing demand with no net increase in an overall sewer capacity.

LOCATION: The project site is located along segments of Warner Avenue and Pacific Coast Highway (PCH) in the City of Huntington Beach. Specifically, the project site includes improvements within and immediately adjacent to Warner Avenue, between North Pacific Avenue and Edgewater Lane, and within and immediately adjacent to a 600-foot segment of northbound PCH, north of Warner Avenue. Within the Warner Avenue segment, Warner Avenue is bridged approximately 100 feet over a channel connecting Huntington Harbour with Upper Bolsa Bay.

PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Beckman noted that staff had received one phone call from Wayne Phillips, inquiring about the duration of the project. He stated that staff received four comment letters from various agencies; The Department of Transportation, The Department of Toxic Substance Control, The Department of Fish and Game, and The Orange County Public Works Department.

In response to the letters, the project consultant prepared a response proposing minor modifications in the errata section adding two mitigation measures to reduce impacts to construction and vehicle noise from the stockpiling and staging of construction materials. He noted the proposed mitigation measures B-1 and B-2 will have language added which will broaden the surveys to reduce the impacts to adjacent species and plants located to the south of the project. Proposed mitigation measure B-3 will be modified to extend the survey area from 200 linear feet to 500 linear feet as recommended by the Department of Fish and Game. The last modification is a clarification in the document on page 4. The document incorrectly listed the Orange County Sanitation District as the managing agency for a lift station located in Sunset Beach, however, the managing agency for that lift station is the Sunset Beach Sanitation District.

THE PUBLIC HEARING WAS OPENED.

Andrew Ferrigno, applicant stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff including the modifications to the mitigation measures.

MITIGATED NEGATIVE DECLARATION NO. 12-02 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MITIGATION MEASURES. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 12-02:

1. The Mitigated Negative Declaration No. 12-02 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential impacts to seismic ground shaking, potentially contaminated soils and groundwater, traffic flow, nesting habitat for bird species protected by the Migratory Bird Treaty Act, removal and/or relocation of special-status plants, light and glare, and the potential discovery of human remains, and archaeological or paleontological resources during ground-disturbing activities.

3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures for Mitigated Negative Declaration No. 12-02, will have a significant effect on the environment.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the approval of project plans and specifications, the City shall confirm that the recommendations included in the Geotechnical Report for Sewer Lift Station Replacement Project received and dated March 27, 2012 have been incorporated into the project during final design. **(Mitigation Measure)**
2. Prior to construction of the proposed project, the contractor shall prepare and submit to the City for review, a site-specific Health and Safety Plan to address handling of impacted groundwater and soil encountered during project construction. The Health and Safety Plan shall include at a minimum:
 - a. List of key personnel and description of responsibilities;
 - b. The use of approximately 40-hour HAZWOPER trained operators and workers;
 - c. Notification of sub-contractors of the requirements set forth herein;
 - d. Hazard evaluation including physical and chemical hazards for all activities anticipated to be conducted in the vicinity of the intersection of Warner Avenue and Pacific Coast Highway;
 - e. Site control program including work zone, decontamination procedures and standard operating procedures;
 - f. Description of personal protective equipment (PPE);
 - g. Emergency response plan;
 - h. Applicable action levels; and
 - i. Job task safety analysis.

Breathing zone photo-ionization (PID) reading shall be taken and readings shall be recorded in a field log. Based on previous investigations, Level D will be the required PPE worn by all field personnel within the exclusion zone. Any emergencies encountered during the field investigation will be addressed and documented accordingly. **(Mitigation Measure)**

3. Extraction and treatment of groundwater during project construction activities shall be performed in accordance with the recommendations of the Geotechnical Report, specifically:

Under the general permit from the SARWQCB, MTBE is listed as a constituent of concern to be monitored with discharge limits not to exceed a 26.1 ug/l maximum daily limit, and a 13 ug/l monthly average limit. If other contaminants are detected, the discharge limits will be adjusted accordingly. Should De Minimus permit groundwater sampling activities indicate a sustained level of MTBE above the 13 ug/l monitoring limit, discharge activities will need to be reevaluated and may need to cease under the direction of the Executive Director and an alternative permitting and discharge structure pursued.

In addition to monitoring, the General NPDES permit allows for on-site treatment of extracted groundwater to meet discharge limits. Typically, MTBE impacted groundwater is treated with granular activated carbon (GAC), biologically enhanced GAC, air stripping, chemical oxidation, and/or any combination of the aforementioned technologies, depending on levels of MTBE and extracted volume and flow rates.

Alternatively, groundwater may be containerized pending sampling and disposal, if necessary. All containers shall be properly sealed to prevent leaks. Emergency response and cleanup equipment shall be available in the event of a release from the primary containment unit. If off-site transportation of water is conducted, manifests shall be completed and shall accompany each shipment that leaves the site.

The General NPDES Permit allows for flexibility in discharge structure and monitoring frequency. Should any of the monitoring events for a specific constituent show effluent concentrations above the effluent limit, the frequency of monitoring for that constituent shall be increased to weekly or daily as directed by the Executive Officer. **(Mitigation Measure)**

4. Excavation and treatment of potentially impacted soil during project construction activities shall be performed in accordance with the recommendations of the Geotechnical Report, specifically:

Excavated soil shall be monitored (screened in the field using a handheld device such as a PID, and sampled for analysis by a laboratory) to determine the presence of fuel hydrocarbons and fuel oxygenates. Soils that are potentially impacted with fuel hydrocarbons or fuel oxygenates shall be containerized pending characterization. Optionally, soil sampling and laboratory analysis may be conducted in the area of excavation prior to excavation as a preemptive measure to pre-profile the soil. However, this option should not be taken as a replacement for monitoring and sampling during excavation activities.

An operation plan shall be prepared and shall include a description of soil characterization, handling, storage, and disposition procedures. The Contractor shall be responsible for loading and transporting to a treatment or disposal facility that is acceptable to the City, including the decontamination of all trucks and equipment prior to leaving the site. The Contractor shall maintain all roads traveled free from all soil and debris. Waste disposal manifests shall be completed by the Contractor and shall accompany each shipment of soil that leaves the site. All loads shall be covered to prevent dust and spill loss during transport. The Contractor shall provide a summary report of the soil disposition including copies of manifests, scale tickets, and treatment or disposal certificates. The Contractor shall conduct waste transportation operations in accordance with Federal and State Department of Transportation requirements. This includes, but is not limited to, covering loads and adhering to weight limits. **(Mitigation Measure)**

5. Prior to construction of the proposed project, the contractor shall provide a traffic control plan that provides safe detours around construction activity and provide temporary traffic control (i.e., flag person) during concrete transport and other construction-related truck hauling activities. **(Mitigation Measure)**
6. Prior to the start of construction, pre-construction surveys for Coulter's saltbush, Davidson's saltscale, southern tarplant, salt marsh bird's-beak, Coulter's goldfields, Leopold's rush, estuary seablite, and woolly seablite shall be conducted. The pre-construction survey for southern tarplant shall be performed during the blooming season, between July and September. If any of these plants are found near the construction limits, a buffer shall be established by a qualified biologist around these plants to avoid any impacts. Construction personnel will be notified to avoid the area and a qualified biologist will monitor the area. **(Mitigation Measure)**

7. Prior to the start of construction, the City shall ensure that a qualified biologist prepare and implement a transplantation and salvage plan (i.e., plant/seed material) for the woolly seablite, estuary seablite, and Leopold's rush, which have been observed within areas of potential disturbance. The transplantation and salvage plan, which shall be submitted to and approved by a designated representative of the City, shall contain, at a minimum, the following: restoration/seed collection method; timeframe for transplantation; and monitoring and reporting requirements to measure the effectiveness of the plan. Transplantation of these plants shall occur at the Bolsa Chica Wetlands in coordination with Bolsa Chica Conservancy staff and overseen by a designated representative of the City. Additional propagation of salvaged material shall be performed to ensure each plant's survival. Individual planting of these species may also be required should transplantation or propagation be unsuccessful. **(Mitigation Measure)**
8. Should construction activities be required during the bird breeding season (i.e., February 15 to July 31), a focused survey for Belding's Savannah Sparrow (BSS) shall be conducted no more than one week prior to construction activity within 500 feet of southern coastal salt marsh habitat. If no presence of BSS is observed within 500 feet of proposed construction activities, work may commence. Should this construction activity (within 500 feet of southern coastal salt marsh habitat) cease for a period of one week or longer, an additional focused survey for BSS shall be conducted prior to recommencement of construction. If surveys determine that BSS are present within 500 feet of proposed construction activity, consultation with CDFG shall be initiated prior to any construction activity.

Additionally, should removal of the five palm trees be required between February 15 and July 31, pre-construction nesting surveys shall be conducted to determine the presence of any nesting bird species. These surveys should occur no more than 72 hours prior to tree removal. If no nests are observed, tree removal may commence. However, if an active nest is located, the site will be marked and avoided. Once the young from active nests have fledged, tree removal may commence.

Surveys shall be conducted by a qualified biologist and a memorandum of the findings shall be submitted to the City. **(Mitigation Measure)**

9. Prior to the approval of project plans and specifications, the City shall confirm that the project specifications ensure that all lighting associated with the proposed project would be shielded or focused downward to comply with City requirements. **(Mitigation Measure)**
10. The construction contractor shall use archaeological and Native American monitoring during all ground disturbing activities, including, but not limited to, trenching, boring, and grading. **(Mitigation Measure)**
11. Archaeological monitoring shall include inspection of soils to determine if cultural materials are present. Archaeological monitors shall follow earth-moving equipment and examine excavated sediments and excavation sidewalls for evidence of archaeological resources. The archaeological monitor shall have the authority to re-direct construction equipment in the event potential archaeological resources are encountered. In the event archaeological resources are encountered, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified archaeologist in accordance with the provisions of CEQA Section 15064.5. **(Mitigation Measure)**

12. In the laboratory, all artifacts shall be identified, inventoried, and a determination of significance made. All cultural resource material shall then be transferred to an approved archaeological repository accompanied by a copy of the final monitoring report and all data in hard and electronic copy. The cost of curation, maintenance, and permanent storage of archaeological materials is assessed by the repository. **(Mitigation Measure)**
13. A final monitoring report shall be prepared that will include, but not be limited to, a discussion of the results of the monitoring, an evaluation and analysis of the materials collected, an itemized catalog of artifacts collected, an appendix of curation agreements and other appropriate communications, and a discussion of the project-specific monitoring plan. This report shall be filed with the South Central Coastal Information Center, California State Fullerton upon completion of monitoring and analysis of materials recovered (if any). **(Mitigation Measure)**
14. The construction contractor shall use paleontological monitoring during all ground disturbing activities occurring at a depth of below 5 feet from the road or ground surface. Monitoring shall be conducted during all ground disturbing activities including, but not limited to, trenching, boring, and grading below 5 feet in depth. **(Mitigation Measure)**
15. Paleontological monitoring shall include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. Paleontological monitors shall follow earth-moving equipment and examine excavated sediments and excavation sidewalls for evidence of significant paleontological resources. The monitor shall have the authority to re-direct construction equipment in the event potential paleontological resources are encountered. In the event fossil remains are encountered, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified paleontologist in accordance with the provisions of CEQA Section 15064.5. All efforts to avoid delays to project schedules shall be made. **(Mitigation Measure)**
16. In the laboratory, all fossils shall be prepared, identified, inventoried, and a determination of significance made. Specimen preparation and stabilization methods would be recorded for use by the paleontological repository. All fossil specimens shall then be transferred to a public museum or other approved paleontological repository accompanied by a copy of the final paleontological monitoring report and all data in hard and electronic copy. The cost of curation, maintenance, and permanent storage of fossil specimens is generally assessed by the repository. **(Mitigation Measure)**
17. The final paleontological monitoring report shall be prepared that will include, but not be limited to, "a discussion of the results of the monitoring, an evaluation and analysis of the fossils collected (including an assessment of their significance, age, and geologic context), an itemized inventory of fossils collected, a confidential appendix of locality and specimen data with locality maps and photographs, an appendix of curation agreements and other appropriate communications, and a discussion of the project-specific paleontological monitoring plan. **(Mitigation Measure)**
18. In the event human remains are encountered during construction activities, all excavation or disturbance in the area within the vicinity of the remains shall halt in accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98 and 5097.94, and §15064.5 of the CEQA Guidelines and the Orange County Coroner shall be contacted. Within 24 hours of notification, the coroner will call the Native American Heritage Commission (NAHC) if the remains are thought to be Native American. If the remains are deemed Native American in origin, the NAHC immediately designates a person or persons it believes to be the most

likely descended from the deceased (Most Likely Descendent) pursuant to Public Resources Code §5097.98 and CCR §15064.5. The Most Likely Descendent will then recommend means for treating and disposing with appropriate dignity the human remains and associated items. **(Mitigation Measure)**

19. 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. **(Mitigation Measure)**
20. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings. **(Mitigation Measure)**

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.

ITEM 2: SITE PLAN REVIEW NO. 11-04/ VARIANCE NO. 12-04/ ENVIRONMENTAL ASSESSMENT NO. 11-06 (CASA RINCON)

APPLICANT:	Wayne Dietz, Global Premier Development
PROPERTY OWNER:	Morrie Golcheh, Progressive Real Estate,
REQUEST:	SPR: To permit the construction of an approximately 10,900 square foot, four-story affordable housing apartment project with an overall height of 50 feet within the Town Center Neighborhood Segment of Beach & Edinger Corridors Specific Plan (SP 14). The project will consist of 24 affordable housing units containing 4 one-bedroom units (615 sq. ft./unit), 5 two-bedroom units (843 sq. ft./unit), 6 three-bedroom units (1,028 sq. ft./unit) and 9 four-bedroom units (1,224 sq. ft./unit) including a 693 square foot, two-story community recreation building with an overall height of 33 feet. VAR: To permit (a) 8 feet high perimeter privacy walls in lieu of a maximum height of 6 feet permitted; (b) a reduction in required public open space requirement from a minimum 1,200 square feet permitted to 925 square feet; and (c) eliminating the private entry type requirement from the project design.
LOCATION:	18431 Beach Boulevard, 92648 (Northwest corner of Main Street and Beach Boulevard)
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 provided an overview of the proposed project and the suggested findings for denial.

Ms. Medel stated that she had not received any public comments regarding the proposed project.

Ricky Ramos, Zoning Administrator, inquired what staff meant in asserting that the proposed project lacked master plan development.

Ms. Medel briefly explained that the proposed project is located in the Towne Center Neighborhood segment, which is the most urbanized district within the specific plan. As the site is considered a stand-alone site, it does not consider the adjacent properties as an integrated development thereby it does not allow an opportunity for shared parking and the architectural design is not in keeping with the Beach Edinger Corridor Specific Plan standards.

THE PUBLIC HEARING WAS OPENED.

Wayne Dietz, commented that the specific plan limits the the owner from developing the property in an affordable manner. He stated the owner has a right to develop the site and the developer is trying to accomplish a project that will work in that location.

Matthew Tucker, Allen Tires, spoke in opposition of the project. He noted that if the project was approved the proposed driveways could create public safety issues. He also noted that the project could impact the visibilty of his site to potential customers.

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

Mr. Ramos stated the applicant could request to continue the item if he chose. He also explained that there is an appeal process if the applicant is not in agreement with the Zoning Administrator's decision.

Mr. Dietz asked if he could continue the item to a date uncertain.

Mr. Ramos stated that he would continue the item as requested by the applicant.

SITE PLAN REVIEW NO. 11-04/ VARIANCE NO. 12-04/ ENVIRONMENTAL ASSESSMENT NO. 11-06 WERE CONTINUED TO A DATE UNCERTAIN.

THE MEETING WAS ADJOURNED AT 1:55 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 19, 2012, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd