

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-7 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MARCH 16, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Jill Arabe, Andrew Gonzales, Kim De Coite
(recording secretary)

MINUTES: July 21, 2010
October 6, 2010
December 15, 2010
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 10-020/TEMPORARY USE PERMIT NO. 10-007 (PETER'S LANDING FARMER'S MARKET)

APPLICANT: Lee Ostendorf, Farmer's Market Operator
PROPERTY OWNER: Raymond Lin, 6400 E. Pacific Coast Highway, Long Beach, CA 90803
REQUEST: To establish an outdoor farmer's market every Saturday between the hours of 8:00AM and 3:00PM within the parking lot area of the Peter's Landing shopping center for a period of five years (2011-2015).
LOCATION: 16400 Pacific Coast Highway, 92649 (Pacific Coast Highway, between Anderson Street and Admiralty Drive)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, 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.

Ms. Nguyen stated that staff had received two letters. One of the letters was in opposition to the project citing concerns with potential parking impacts. The second letter was in support of the project stating that the market would have a positive affect for the center and community.

Ricky Ramos asked staff how parking for this use was determined.

Ms. Nguyen briefly explained the process used to calculate the number of available parking spaces.

Mr. Ramos verified with staff that vendors would be parking behind the canopies.

Mr. Ramos inquired on the locations of restrooms.

Ms. Nguyen, stated that there are public restrooms in the mall including portable restrooms.

Mr. Ramos, verified the times of operation as well as set up and break down of the market.

THE PUBLIC HEARING WAS OPENED.

Lee Ostendorf, applicant, stated that set-up would begin at 7:00AM and operating hours between 9:00AM and 2:00PM with break down finishing by 4:00PM.

Mr. Ramos, asked the applicant if parking would be an issue.

Ms. Ostendorf, stated that she does not anticipate any parking issues but will work with the community if issues arise.

Tom Burke, Chair Local Coastal Advisory Board Sunset Beach, stated that parking has been a long standing issue at the shopping center. He questions staffs' calculations for parking. He would like the item to be continued until the community he represents can present its recommendations. He stated that the guests slips at Peter's Landing may also become an issue. He explained that many visitors use their boats to access the center. He expressed his concern that a farmer's market may create a need for additional slips. He also requested that Mother's Day weekend be blacked out as there is a yearly art festival which may impact the parking lot at Peter's Landing.

Mr. Ramos, asked the applicant if there were any objections to continuing the item.

Ms. Ostendorf, stated that she would like to move forward but is willing to work with the community.

Kathy Hammond, 16575 Tropez Lane, stated that she works with a non - profit group that runs the Mothers Day art festival. She expressed her concern that the farmer's market will be in competition with the art festival.

Scott Seaton, Peter's Landing manager, stated that he believes the guest docks are sufficient. He does not believe that the farmer's market will have a negative impact on the docks. He also stated that he believes the farmer's market will be a great addition to the center. However, he does think the parking analysis is flawed. Mr. Seaton distributed a map to detailing the availability of onsite parking. He explained that certain areas of the parking lot currently have parking restrictions. He believes the eastern area of the parking lot would be a better location.

Mr. Ramos asked if staff was aware of the restrictions.

Ms. Nguyen, stated that staff was not aware of the restrictions, but did include the marina spaces in the parking calculations.

Ms. Ostendorf stated the eastern lot was considered but the Fire Department had issues with access.

Mr. Burke, stated that he believes the eastern lot is underutilized and would be a good place for the market.

Raymond Lin, property owner, commented that the farmer's market is an attempt to bring in additional foot traffic to the distressed center.

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

Mr. Ramos stated that he would approve the request with minor modifications to the conditions

COASTAL DEVELOPMENT PERMIT NO. 10-020/TEMPORARY USE PERMIT NO. 10-007 WERE 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 the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent effects on the environment is exempt from further environmental review.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-020:

1. Coastal Development Permit No. 10-020 to permit the establishment of an outdoor farmer's market every Saturday between the hours of 8:00 AM and 3:00 PM within the parking lot of Peter's Landing shopping center for a period of five years (2011-2015) conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use policies and objective:

Policy C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

The proposed farmer's market will attract tourists and Huntington Beach residents to the shopping center by providing recreational activities for the community. The farmer's market will improve the quality of life and enhance amenities for surrounding residents and visitors by providing a certified farmer's market and family-oriented activities that support local

farmers and allow residents and visitors access to organic vegetables, fruits, and fresh food. The temporary activity will be monitored by the Orange County Health Care Agency's Department of Environmental Health and regulated by the Police and Fire Departments for access, circulation and protection of the public.

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 Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Municipal Code. The farmer's market will not involve the construction of permanent structures. Portable canopies will be set up for the event during the hours of operation and will be taken down at the end of the event. Vehicles and saw-horse barricades will be used at the two entry points of the market to ensure public safety for pedestrians and exhibitors within the boundaries of the market. Adequate pedestrian access will be provided during farmer's market operations and minimum aisle widths will be maintained for purposes of emergency access. Adequate parking will be maintained in the remainder of the shopping center during the hours of operation of the farmer's market. Because office uses will be closed during the weekend hours, the required parking for those uses along with the surplus parking at the site will be available to accommodate the farmer's market operation.
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. All infrastructure exists for the proposed market that is consistent with the Local Coastal Program.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access will remain to the beach and harbor area.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 10-007:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses because the event is temporary in nature and is consistent with the character of the area. The temporary use permit will be consistent with following General Plan Objective and Policies:

A. Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private, institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

B. Recreation and Community Services Element

Policy – RCS 7.1.1: Design recreation facilities and programs that are functional, efficient, and affordable.

The temporary use permit will provide a balance of land uses by establishing a commercial/recreational/cultural use on a temporary basis within an existing commercial shopping center. The farmer's market will provide an affordable option for the purchase of groceries within close proximity to the area's local residents intended to be served by the project.

2. Approval of the application to permit the establishment of an outdoor farmer's market within the parking lot area of the Peter's Landing shopping center every Saturday for a period of five years will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The market will be located more than 240 feet from the nearest sensitive land uses (i.e. residential). The market will be within walking distance to the surrounding residential neighborhood it serves. The temporary nature of the market will not alter the subject site. No health impacts are anticipated because proper permits are required from the Orange County Health Care Agency's Department of Environmental Health prior to the market's commencement.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 10-020/TEMPORARY USE PERMIT NO. 10-007:

1. The site plans received and dated December 23, 2010, shall be the conceptually approved design.
2. Prior to commencement of the use, the Planning and Building Department shall receive documentation from the applicant verifying approval from the Orange County Health Care Agency's Department of Environmental Health.
3. The use shall comply with the following:
 - a. Only the uses described in the submitted narrative received and dated December 23, 2010 shall be permitted.
 - b. The operation of the farmer's market shall be limited to every Saturday between the hours of 8:00 AM and 3:00 PM for a period of five years (2011-2015).
 - c. All trash, debris, and garbage, as well as special dumpsters, shall be removed from the site prior to the closing of each event.
 - d. The applicant shall ensure the clean-up of the adjacent streets of any associated trash and debris after each event closure.
 - e. The set-up and take-down of vendor booths shall comply with the Huntington Beach Fire Department safety regulations for vendors at temporary events. **(FD)**
 - f. The applicant shall comply with Health and Safety Code 114259.2 regarding the prohibition of live animals at certified farmer's markets. Adequate signage shall be posted to prohibit live animals in the market. **(PD)**
 - g. Traffic control for the event shall be provided in accordance with all Police and Fire Department requirements for access, circulation, and protection of the public. Barricades shall be sufficient to keep a moving vehicle out of the venue. **(PD)**

- h. The set up and break down of the farmer's market shall be limited to between the hours of 7:00 AM and 5:00 PM.
4. In the event that there are any violations of the foregoing conditions or any violations of life and safety code, the market may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning and Building.
5. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
7. Coastal Development Permit No. 10-020/Temporary Use Permit No. 10-007 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).
9. The Director of Planning and Building may review the use at anytime and refer it back to the Zoning Administrator to recommend new or modified conditions of approval to address issues that may arise.

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: DRAFT MITIGATED NEGATIVE DECLARATION NO. 10-007/ COASTAL DEVELOPMENT PERMIT NO. 10-011 (MAGNOLIA OIL STORAGE TANKS DEMOLITION AND TRANSFER PIPING REMOVAL)

APPLICANT/
PROPERTY

OWNER: Thomas McLane, Plains All American Pipeline

REQUEST: **MND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CDP:** To permit the demolition and removal of three empty above-ground oil storage tanks, approximately 2,342 linear feet of above-ground transfer piping and ancillary site improvements at a former oil storage and pumping facility.

LOCATION: 21845 Magnolia Street, 92646 (northwest of Banning Avenue and Magnolia Street intersection)

PROJECT PLANNER: Hayden Beckman

Hayden Beckman, 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.

Thomas McLane, applicant, verified the notification process with staff. He stated that he had no comments or concerns with staff's recommended conditions.

Jack Kirkhorn, Huntington Beach resident, stated he does not oppose the project but has concerns over the possibility of oil residue remaining in the pipelines, and with the future monitoring of the remaining pipelines.

Thomas McLane explained that the pipelines which border the project will be put on an inactive status. The pipelines would be monitored periodically by the State Fire Marshall. He further explained the process used for cleaning inactive pipelines with the use of nitrogen.

Gordon Smith, Huntington Beach Wetlands Conservancy, stated he has concerns that the pipelines which cross over part of the wetlands area will be abandoned. He is hoping for a condition that would require the applicant to remove the pipelines in the event that they will be abandoned.

Ricky Ramos, Zoning Administrator, explained that he does not have the authority to impose a condition requiring the removal of an abandoned pipeline.

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

Mr. Ramos stated that he would approve the request with minor modifications to the conditions.

DRAFT MITIGATED NEGATIVE DECLARATION NO. 10-007/ COASTAL DEVELOPMENT PERMIT NO. 10-011 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS, CONDITIONS, AND MITIGATION MEASURES. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 10-007:

1. The Mitigated Negative Declaration No. 10-007 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 Mitigated Negative Declaration and Coastal Development Permit No. 10-011.
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 associated with the release of hazardous materials due to on-site soil contamination.
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, will have a significant effect on the environment. The proposed project involves the demolition and removal of three empty above-ground crude oil storage tanks, approximately 2,342 linear feet of above-ground transfer piping, and ancillary site improvements at a former oil storage and pumping facility. The facility previously operated as an oil storage and transfer station. It is currently a functioning facility, but used infrequently for oil storage. The project proponent does not propose any new uses or redevelopment of the site, and upon completion of the project, the site would remain vacant. The site has been identified as containing potentially hazardous materials in the form of lead-based paints, asbestos, and hydrocarbon soils contamination. The potential upset of or accidental release of hazardous materials would be a potentially significant impact. However, with compliance with City specifications and Occupational Safety and Health Administration (OSHA) and South Coast Air Quality Management District (SCAQMD) regulatory requirements, impacts from the release of hazardous materials (lead-based paints and asbestos), would be reduced to a less than significant level. All potential impacts resulting from activities associated with the project can be adequately mitigated.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-011:

1. Coastal Development Permit No. 2010-011 for the demolition and removal of three above ground oil storage tanks and ancillary transfer piping conforms with the General Plan, including the Local Coastal Program land use designation of Public as well as Coastal Element Objective C. 4.7: Improve the appearance of visually degraded areas within the Coastal Zone. The project is consistent with Coastal Element Objective C 8.4.1 to promote aesthetic and environmental compatibility between oil activities and other uses through measures such as fencing, planting, and landscaping, screening and buffering. The proposed demolition will occur on a developed utility fuel storage site that is visible from Pacific Coast Highway and adjacent to existing residential development. Implementation of the proposed project would eliminate the oil storage tanks' intrusion into the Pacific Coast Highway view corridor and prevent visual incompatibility with surrounding uses.

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 would not conflict with applicable planning documents and policies. New construction is not proposed as a part of the project request, and the project would not affect the development standards of the base zoning district.
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 would result in the removal of three existing above ground oil storage tanks and ancillary transfer piping on a developed site previously operating as an oil storage and transfer facility. The project would not result in a need for new infrastructure and would not be inconsistent with the Local Coastal Program.
4. The proposed project complies with the public access and public recreation policies of Chapter 3 of the California Coastal Act, and will not impede public access, recreation, or views to coastal resources. All demolition activity and staging of equipment and vehicles will occur on-site and not encroach into the public right-of-way.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the onset of ground disturbing activities, the applicant shall comply with the following mitigation measure which entails soils testing plans and remediation reports required to reduce the potentially significant impacts from the release of hazardous materials due to on-site soil contamination to a less than significant level:
 - a. A soil testing plan conforming to *City Specification No. 431-92, Soil Cleanup Standards* shall be submitted to the Fire Department for review and approval. The testing results shall be jointly reviewed and approved by the Fire and Public Works Departments.
 - b. A Remediation Action Plan (RAP) shall be submitted to the Fire Department based on requirements found in Huntington Beach *City Specification No. 431-92, Soil Cleanup Standards*. The plan shall include methods to minimize remediation-related impacts on the surrounding properties. Qualified and licensed professionals shall perform the remediation activities and all work shall be performed under supervision of the City of Huntington Beach.
 - c. Closure reports or other reports acceptable to the Fire Department that document the successful completion of required remediation activities for the contaminated soils, in accordance with *City Specification No. 431-92*, shall be submitted to and approved by the Fire Department prior to issuance of grading permits.
 - d. The applicant shall submit the RAP to other County or State agencies as necessary. The applicant shall coordinate other applicable agency permit and oversight requirements with the Fire Department.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-011:

1. The site plans received and dated June 29, 2010, shall be the conceptually approved demolition plans.
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. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - c. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - d. All asbestos shall be removed from all structures prior to the demolition or removal of any portion of any structure.
 - e. Any truck haul route plan as required by the project Code Requirements shall also depict locations designated for truck staging and queuing. **(PW)**
3. At least 14 days prior to any demolition and grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning & Building Department.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. 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.
 - g. 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.
 - h. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During

Construction and Demolition and City Specification No. 426, Fire Safety Requirements for Construction Sites. **(FD)**

- i. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification No. 431-92 Soil Clean-Up Standards. **(FD)**
5. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**
6. Prior to final inspection or closeout of the project, any damage to existing public improvements (curb, gutter and sidewalk) adjacent to the subject site's existing driveway approach to Magnolia Street shall be removed and replaced per City Public Works Standard Plans. **(PW)**
7. Coastal Development Permit No. 10-011 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

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 1:59 PM TO THE SPECIAL MEETING SCHEDULED ON WEDNESDAY, MARCH 23, 2011, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd

