

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 1:55 PM
To: Ramos, Ricky
Subject: FW: Shopoff meeting today

Importance: High

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gary Tarkington <garytarkington@msn.com>
Sent: Tuesday, August 13, 2019 1:37 PM
To: commission@surfcity-hb.org
Subject: Shopoff meeting today
Importance: High

To the Planning Department of Huntington Beach,
Today August 13, 2019, you, the city Planning Department will be reviewing the Shopoff EIR, and asking our city to throw out its voted and approved General Plan and Zoning to build a outside investors development to gain profits for his investors.

This has got to be a diffinate NO!! This was ALREADY VOTED ON!! We DO NOT WANT OR NEED THIS!!!

The people of HB are watching this and you closely!

Ann Tarkington
Huntington Beach

From: Gary Tarkington <garytarkington@msn.com>

Sent: Monday, July 22, 2019 1:45 PM

To: ursula.luna@surfcity-hb.org

Subject: SHOPOFF BUILDING!!

Importance: High

This has been brought to all of the citizens of Huntington Beach. WE DO NOT WANT THIS!!! A Meeting on July 23rd Tomorrow A out of city developer Shopoff is petitioning our Community Development Department to change our General Plan and Zoning to build a huge project on the banks of our protected wetlands off Magnolia and PCH. His plan only supports his investors and adds to the over development and over crowding in our community. Our General Plan was last amended in Oct 2017 and is set until 2040. The General Plan is the fundamental policy document guide to determine the Appropriate Physical Development and Charter of the Huntington Beach 25 year planning horizon. As this Plan Stands this project is NOT allowed and we shall not use a Specific Plan to override our set plan that has been through the approval process. While some of our city council members have accepted huge payments and support from this developer to support his investors profits (Michael Posey - Barbara Delgleize and Patrick Brenden) we must make our voices heard.

I WANT MY VOICE TO BE HEARD! NO, NO, AND, NO! THIS MUST not BE PASSED/CONSIDERED!!

Ann Tarkington

Huntington Beach

Carolyn "Shammy" Dingus
Magnolia/Atlanta, HB
shammyds@mac.com

MTF Simply Not Suitable for Residential Use

- The MTF soil remains contaminated with toxic tases. These are most significant health risk associated with the petroleum contamination. The migration of hazardous vapors into building structures poses a serious hazard to the occupants.
- The volatile organic compounds (VOCs) can build up beneath the foundations of the building, concentrate, and subsequently leak inside the interior.
- A full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.

Inadequacy and Errors in Soil Gas Testing

- The 2016 tests are inadequate, specifically due to the limited number of soil gas samples (in consideration of the size of the property), and their locations **OUTSIDE** of areas of **known soil contamination**.
 - total of 23 soil gas locations have been sampled at the property; this is less than one per acre,
 - The soil gas samples were **NOT** collected the areas of the three (3) former tanks or piping which have been documented with contamination.
 - **Testing in 2013 showed multiple VOCs exceeded regulatory screening levels**, including: *benzene, ethylbenzene, naphthalene, chloroform, 1,3,5-trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4-trichlorobenzene*
 - **The 2016 test** consisted of only 8 samples, and **only** tested for Methane.
 - The recommended sampling on a grid basis has not been performed
 - The lab results were not consistent with field results
 - Huntington Beach City Specification 429 requires methane testing at a distance of 1,000 feet from landfills and 100 feet from abandoned oil wells

Errors in Human Health Hazard Assessment

- The use of a .001 attenuation faction in the vapor in intrusion risk **is not appropriate for this site!**
 - Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03, OVER AN ORDER OF MAGNITUDE LESS!**

- The formula in question is used to evaluate the **CANCER RISK** for the area. Obviously the accuracy is absolutely **CRITICAL**.
- Chemicals that were detected, but did not exceed published regulatory screening levels, were excluded from the HHRA

2018 Groundwater Monitoring Well Sampling

- The three groundwater monitoring wells **were NOT installed within the “down gradient” of the known areas of contamination!**
- None of the wells were installed in the areas of former tanks, oil wells, or piping
- The groundwater flows toward the northeast corner of the property. **NO wells were installed in this location!**

Regulatory Framework

- The regulatory oversight for the property is unclear,
- It is not understood why the Huntington Beach Fire Department **MAY** have been designated the lead agency.
- The HBFD has stated that the contamination is beyond the limits of the HBFD jurisdiction, and that the DTSC and potentially other regulatory agencies should have the status as the lead agencies.
 - The HBFD and Shopoff have subsequently agreed that the DTSC is the lead agency for the site.
- **BUT** the site is not listed on either the Envirostar or DTSC websites!
- The inconsistent regulatory oversight of the property may have resulted in previously identified data gaps and subsequent recommendations not being addressed.

SUMMARY:

APPROVING THIS SITE POSES AN UNACCEPTABLE RISK OF LIABILITY FOR THE CITY OF HUNTINGTON BEACH

All progress on approving the changes to the city’s General plan, rezoning, and Local Coastal plan MUST BE STOPPED IMMEDIATELY.

From: Dan Jamieson <broker_advocate@hotmail.com>
Sent: Monday, July 22, 2019 2:29 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: comment, re July 23 study session, tank farm

July 23, 2019

Dear Planning Commission:

I urge the Commission to seriously consider rejecting the proposed zoning change on the Magnolia tank farm property, and keep the property as industrial use.

The proposal would allow 65% of the site to be developed as medium-density residential, and another 15% as visitor-serving. Yet, the property is immediately adjacent to the power plant and the Ascon site, not a suitable location for residential or visitor-serving. Additionally, the proposed higher-density residential does not fit with the nearest lower-density residential. Further, given the risk of sea-level rise, further intense residential development along the coast does not seem wise.

Sincerely,

Dan Jamieson
Huntington Beach

-----Original Message-----

From: Darlene Butscher <darlenebutscher@yahoo.com>

Sent: Monday, July 22, 2019 3:37 PM

To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>

Subject: Opposed to Magnolia & PCH development

I am opposed to the Community Development Department changing our General Plan and Zoning to build a project on the banks of our protected wetlands off Magnolia and PCH. My understanding is that as this Plan Stands this project is NOT allowed and we shall not use a Specific Plan to override our set plan that has been through the approval process.

Please let me know if that is not the case.

We do not need the extra congestion around PCH. We have sufficient local businesses that are not thriving and we don't need this to detract from them.

Thank you

Darlene Butscher
221 Hartford Ave
HB 92648

Work Order: #149599

Opened:
03/30/2019

Closed:
--

This issue is assigned

Est. Resolution Date: Not Yet Set

Planning

STREET ADDRESS



By : Deryl Robinson
Email : derylrobinson@outlook.com
Phone : 949-637-2607
Device :

Media Submitted
None

COMMENTS & ADDITIONAL NOTES

Tank Farm - I am in favor of the development. I prefer no hotel. If a hotel is required make it as small as possible, and not over 3 stories.

Notes Added By staff: 04/03/2019 8:20 AM

Tania Moore

Hi Jane, Would this go to Ricky?

Share with Citizen: NO

Assigned Worker: 04/03/2019 8:19 AM

Tania Moore

Workorder #149599 has been assigned to Jane James.

Share with Citizen: NO

Assigned Worker: 04/02/2019 4:04 PM

Robin Estanislau

Workorder #149599 has been assigned to Tania Moore.

Share with Citizen: NO

Issue Type/Subtype Changed: 04/02/2019 4:02 PM

Robin Estanislau

Workorder #149599 Issue type changed from Agenda & Public Hearing Comments to Planning.

Share with Citizen: NO

Notes Added By staff: 04/02/2019 4:02 PM

Robin Estanislau

Your comments have been forwarded to the staff planner on this project, Ricky Ramos.

Share with Citizen: YES

Status Changed: 04/01/2019 8:49 AM

Johanna Dombo

Work Order #149599 status has changed from new to assigned.

Share with Citizen: NO

Issue Type/Subtype Changed: 04/01/2019 8:49 AM

Johanna Dombo

Workorder #149599 Issue type changed from City Council to Agenda & Public Hearing Comments and subtype City Council Meeting.

Share with Citizen: NO

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 9:26 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm EIR Study . . .

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Monday, August 12, 2019 5:53 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Magnolia Tank Farm EIR Study . . .

Planning Commissioners:

Regarding the Magnolia Tank Farms EIR . . .

Among other problems, the ingress and egress for all of the traffic generated by this proposed development (250 houses [how many cars per household?], 175-room hotel, 40-room hostel, plus retail/dining) will be only on the East side of the development, and only at two points: (a) Magnolia & Banning, and (b) Magnolia & Bermuda Drive.

That's it, people . . .

A bad plan . . . that will not get better.

Just ask a fifth grader if this would be good for our City.

Gino J. Bruno
Huntington Beach

From: Gino J. Bruno <gbruno@socal.rr.com>

Sent: Monday, July 22, 2019 1:51 PM

To: Planning Commission <planning.commission@surfcity-hb.org>

Cc: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>; Villasenor, Jennifer <JVillasenor@surfcity-hb.org>

Subject: Magnolia Tank Farm Project (Shopoff)

Planning Commissioners:

With respect to the proposed Magnolia Tank Farm development (the Shopoff project) that you will be “previewing” tomorrow afternoon, I urge you to look carefully and critically at the proposal, especially the traffic circulation aspect.

According to the developer’s narrative dated January 2019, there will only be two points of ingress and egress for the entire project (yes, for the traffic generated by 250 dwelling units – with how many cars per unit? - , a 175-room Lodge, a 40-room hostel, and various retail and other commercial in the 29 acres) both of which entrances and exits would be on Magnolia, with one at Banning, and the other at Bermuda.

There could be no question in anyone’s mind that this proposal would negatively and adversely impact current local residents, as well as our residents and visitors in general who traverse the area.

When the time comes for you to vote, I urge you to DENY this project.

Thank you.

Gino J. Bruno
Huntington Beach



21900 Pacific Coast Highway
Huntington Beach, CA 92646
(714) 536-0141

SLF – HB Magnolia, LLC
2 Park Plaza, Suite 700
Irvine, CA 92614

November 5, 2018

RE: Collaboration between the Conservancy and Shopoff Realty Investments – Tank Farm Project

To Whom It May Concern,

The Huntington Beach Wetlands Conservancy (Conservancy) is a volunteer-led organization with a board of directors and an executive director. The goal of the Conservancy is to acquire, restore, and protect the coastal wetlands of Huntington Beach between Beach Boulevard and the Santa Ana River. The Conservancy annually reviews its plans to set its strategic direction (including defining programs), long-term funding needs to support wetlands management, interpretative programs, staffing, etc.

The Conservancy is aware that Shopoff Realty Investments (SRI), on behalf of SLF – HB Magnolia, LLC, has submitted applications to the City of Huntington Beach for the Magnolia Tank Farm Project. It is our understanding that the Magnolia Tank Farm Project proposes a Specific Plan, as explained to the Conservancy and detailed in the application submitted to the City of Huntington Beach as of February 13, 2017, to redevelop the property with a wetlands-themed boutique lodge with visitor serving commercial, residential uses and open space.

Due to the proximity of the now-restored Magnolia Marsh, and the soon to be restored Upper Magnolia Marsh (the "Magnolia Marsh") to the Tank Farm Property, development pursuant to the proposed Specific Plan will provide an opportunity for coastal visitors and residents to enjoy views of the Magnolia Marsh wetlands and also provide opportunities for wetland stewardship, educational and outreach programs. The Conservancy believes such programs will greatly enhance the coastal visitor experience. The Tank Farm Property bordering the HBFC Channel would also expand scientific observational opportunities for Magnolia Marsh, thereby encouraging the study of the Magnolia Marsh, a valuable wetlands resource.

SRI and the Conservancy have been engaged in discussions aimed at developing a detailed wetlands interpretive program that expands the Conservancy's existing offerings. Discussions regarding a possible controlled access point and expanding the existing docent-led tour program are in the works. The objectives are to expand public access and to develop educational programs in a manner that will insure the protection and preservation of the Magnolia Marsh as a wetlands resource. We are confident that we will achieve the stated objectives.

Best Regards,

Gordon W. Smith, PhD , Chairman, Board of Directors

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, April 22, 2019 9:40 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

From: Dombo, Johanna <Johanna.Dombo@surfcity-hb.org>
Sent: Monday, April 22, 2019 9:37 AM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Magnolia Tank Farm

Has this gone to the planning commission? Or should I forward these to you?

Johanna Dombo
Executive Assistant
Office of the City Manager, City of Huntington Beach
714.536.5575
Johanna.dombo@surfcity-hb.org

From: Jason Shelton <Jason_shelton@outlook.com>
Sent: Thursday, April 18, 2019 10:34 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Hello City Council members-

My name is Jason and I live in Seabury south neighborhood adjacent Edison park and behind the power plant (Newland/Hamilton). I grew up in this neighborhood and am now a long time homeowner with kids in local schools. I am also a Vice President at Boardriders, based in Huntington Beach.

I am writing to express my deep concerns and desire not to have more high density housing, hotels and retail at the Tank Farm site. The infrastructure can not absorb more traffic, parking, and lack of homeless support.

The area is inundated with industrial, homeless, traffic, lack of parking, noise and traffic from beach concerts, etc as it is. We have much more work in these areas to do before we further exacerbate the problems.

I very much wish to raise my family here, but the area is on the brink of being too much to bare as it is with the current issues.

Please do not approve high density housing, hotels or retail at that site.

Thank you very much for reading. I am happy to discuss in detail if you would like as well.

Best regards,

Jason Shelton

jason_shelton@outlook.com

Get [Outlook for iOS](#)

Ramos, Ricky

From: James, Jane
Sent: Wednesday, July 24, 2019 1:16 PM
To: Ramos, Ricky
Subject: FW: Opposed to Magnolia &PCH

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Jeff Wilmot <surfbumtwo@gmail.com>
Sent: Tuesday, July 23, 2019 5:06 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Opposed to Magnolia &PCH

I am opposed to the Community Development department changing our GERNAL PLANSand zoning to a project on our wetlands!!!!!!!!!! Alsolutely OPPOSED!!!! Our city has gotten too CONGESTIVE!!! Full of SOBER LIVINGS; HOMELESS, We need more sidewalks, 4 ways stop signs, parks INSTEAD more shopping centers which means more bars and OVER CONGESTIVE!!!!!!
Thank You

Ramos, Ricky

From: jenny pritchett <jennypritchett1@gmail.com>
Sent: Sunday, March 31, 2019 8:20 PM
To: Ramos, Ricky
Subject: Magnolia and Hamilton

This is a duplicate message from a different email address I use more regularly. See below:

I understand you are the planner in charge of the Magnolia and Hamilton Ascon project clean up and future development. I do not have a problem with the building of hotels, retail, homes, etc and if I do, I know I can move. However, what I do have a problem is that someone, sometime in the past before the clean up began, did not think about the wildlife that was being displaced. Because of that, our neighborhood (Fashion Shores) has a problem with coyotes.

Last Monday morning approximately 5:30 am I let my three dogs out in MY fully fenced backyard. It was dark but I found that peaceful, until now. With my dogs still out back, I turned to my left after hearing a noise and a coyote stood about six feet from me and my dogs. It had jumped over the fence. I made so much noise I scared it away and woke up every neighbor around me. My dogs were not hurt but easily could have been.

I also used to regularly walk my dogs after work in the dark with no issue. About a year ago I stopped after my second encounter with a coyote.

I am contacting you because now I am anxious when I let my dogs in the backyard after dark. I try to limit this practice but they are dogs and need to go out. This is property I am paying taxes on but no longer enjoy after dark because I'm worried about my dogs. So, to help ease my mind while I am at work or if the dogs must go out during the night I constructed a covered dog run that can be accessed through the dog door. Sometimes a dog needs to go out after midnight and normally I had no problem letting the dog out but now I do.

Therefore, because this is the result of poor planning and follow up, I expect the city to cover the costs associated with creating this dog run. I never would have built it otherwise since it limits what the dogs can do outside during the day. I am not a believer in caging dogs but for their own protection I've done it.

I will gladly send you the bills for the materials I used for this project. I am not billing you for my time but should. This is a multi-million dollar project and yes, I am a taxpayer and feel I should be safe on my property. Since obviously I am not, I expect to be reimbursed for what I paid to help keep me and my dogs safe.

Jenny Pritchett
21601 Bahama Lane

Ramos, Ricky

From: James, Jane
Sent: Wednesday, July 24, 2019 1:19 PM
To: Ramos, Ricky
Subject: FW: HDD

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

-----Original Message-----

From: Kathleen Brown <heykathybrown@gmail.com>
Sent: Tuesday, July 23, 2019 10:38 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HDD

PLEASE FIGHT ALL HDD in our city and EXPOSE those who take money from developers!! We are sick of our city being ruined!

Thank you.

Sent from my iPhone

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, May 06, 2019 10:10 AM
To: James, Jane; Ramos, Ricky
Subject: FW: Rezoning of Magnolia Tank Farm Area

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

From: Dombo, Johanna
Sent: Monday, May 06, 2019 9:54 AM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Rezoning of Magnolia Tank Farm Area

Forwarding...

Johanna Dombo
Executive Assistant
Office of the City Manager, City of Huntington Beach
714.536.5575
Johanna.dombo@surfcity-hb.org

From: Kathleen <saab900se@gmail.com>
Sent: Friday, May 03, 2019 8:15 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Rezoning of Magnolia Tank Farm Area

Dear HB City Council Members:

This is a request of the City Council to vote NO on the proposed rezoning for the Magnolia Tank Farm Development Project.

I have owned my home in the southeast corner of HB since 1978. In those days, Magnolia dead ended at Banning. There was a dirt footpath to the beach from Banning to PCH. Now Magnolia passes right through the wetlands as a four lane divided concrete road and ends at PCH.

The development of the Magnolia Tank Farm just off Magnolia and Banning, proposes a marsh buffer between it and the wetlands. They propose to build: 211,000 s.f. lodge, 19,000 s.f. of retail, 250 for sale dwelling units with a density of 15/acre.

BUT a marsh buffer does not protection make. Mother Nature is stronger and more unpredictable than we humans seem to recognize. In addition to the memorable Exxon Valdez and the BP spills, we have had oil spills here in HB. In all those occasions, we thought we had built in protections - even redundancies. But things go

wrong. And disasters occur. And damage is irreversible. With medium density housing comes sewer lines, electric and gas infrastructure. None of which can be 100% guaranteed against leakage or damage to the environment. The proposed project lies on an earthquake fault line and the soil is subjected to liquefaction in the event of a quake. The company cites three barriers as follows (their wording p3-5 from the Magnolia Tank Farm Specific Plan Project Report): "Currently, there are three barriers, both natural and man-made, between Magnolia Marsh and the western edge of the project site: the flood control channel open water area integrated with the adjacent sub- and inter-tidal (meandering shallow channels) and non-tidal marsh (pickle weed and dunes) components act as an aquatic barrier; the vertical sheet pile wall of the channel; and the adjacent channel maintenance road and existing fence."

Which of those would you trust your families safety and security with in the event of an earthquake? Which of these would provide 100% protection of the wetlands. The flood control channel? The pickle weed and dunes? Or perhaps the maintenance road and existing fence?

And there is no buffer for noise included anywhere in this project. You cannot say, oh the noise will be time limited and think that damage does not occur. The wildlife in the wetlands is sensitive to noise as well. We act as if that does not matter but noise levels have a disastrous effect on the health and propagation of wildlife.

Let this City Council's legacy be that they recognized the uniqueness and vulnerability of the HB wetlands and had the courage to take the appropriate course of action to further enhance its protection: say NO to added development on land that abuts this extremely sensitive environment; say NO to proposals that would produce medium density housing and a hotel, increase traffic, increase gas and electric infrastructures, produce extremely loud and long noise, increased dust, and create further parking congestion.

Thank you for your time.

Sincerely
Kathleen Mooney
22022 Hula Circle
Huntington Beach CA 92646
Tele: 714-963-0528
Email: saab900se@gmail.com

Do not use my contact information for any other purpose. Thank you.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 2:20 PM
To: Ramos, Ricky
Subject: FW: Shopoff EIR Deny this Project.

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: larry mcneely <lmwater@yahoo.com>
Sent: Tuesday, August 13, 2019 2:19 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Shopoff EIR Deny this Project.

I watched the last planning meeting on Shopoff, What I find surprising in those conversations was the language in the questions like "when you build" etc like the approval was was a drawn conclusion. The questions should be framed as "If this was approved" "if the community backs this" I find no community benefit and thus no reason to grant a change in our approved and voted General Plan and Zoning. As the EIR concludes there many reasons to deny Traffic Congestion, Water Usage during droughts, Taxing our services and adding to the Waste Treatment Plants load. Not to mention the future city liabilities for the Toxic claims that are sure to arise. Listen to our community and the surrounding neighbors and Deny this investors Ponzi Scheme.

From: larry mcneely <lmwater@yahoo.com>
Sent: Monday, July 22, 2019 10:51 AM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Magnolia Shopoff Development.

As a reminder that our General Plan was updated in 2017 and DOES NOT allow the Shopoff Development. Remember The General Plan is the fundamental policy document to determine the appropriate physical development and character of Huntington Beach thru 2040. Friendly Reminder Ursula you are a relative new hire and you represent the Community and NOT the Developers who wish to skirt the General Plan and change Zoning to suite their investors profits. While many on our city council can be bought by the lobbyists money and influence your position is non-political and your guidelines are are clear. Every effort to make changes to our General Plan and Zoning must be stopped and the use of Specific Plans are a deterrent to our community standards and only a tool for the developers to override the public will. This Shopoff Development Plan MUST be denied.

Thank You
Larry Mc Neely .

From: Lou <lightnlc@aol.com>
Sent: Monday, July 22, 2019 1:30 PM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: General Plan

Uphold the General Plan and say NO to the developer..we will be there tomorrow 500 strong.

Sent from [Mail](#) for Windows 10

Ramos, Ricky

From: MyHB <reply@mycivicapps.com>
Sent: Thursday, August 08, 2019 4:31 PM
To: Ramos, Ricky; James, Jane
Subject: □ Status Updated - MyHB-#175822 Planning [06635]

MyHB Status Changed - #175822

Work Order #175822 status has changed from assigned to resolved.

Staff Note:

Thank you for your communication regarding the Magnolia Tank Farm project at Magnolia and Banning. Your comments will be shared with the Planning Commission and City Council, the decision makers on the project.

Status

resolved

Work Order

#175822

Issue Type

Planning

Staff Member(s)

rramos,Jane James

Notes

Zoning of development on Magnolia and Banning. I am against this and want to know if you are voting for it.

[View the Report](#)

Reporter Name

Marilyn Golden

Email

mcgolden25@gmail.com

Phone

714-454-1065

Report Submitted

JUL 23, 2019 - 3:46 PM

Please do not change subject line when responding.

From: [Surf City Pipeline](#)
To: [Ramos, Ricky](#)
Subject: Surf City Pipeline: You have been assigned a new Request #: 28605
Date: Thursday, February 02, 2017 2:46:28 PM

Request # 28605 from the Government Outreach System has been assigned to you by Judy Demers.

Request type: Question

Request area: Planning - All Reassigned Inquiries to Planning

Citizen name: Mark Dixon

Description: Good Evening -

We were among a very large crowd that filled the all-purpose room at Eader School this evening to express our strong objection to the placement of a hotel on the property currently known as Huntington Beach Tank Farm.

Adding a hotel on the edge of a large concentration of single-family homes would negatively impact our property values and quality of life, bringing large numbers of vacationers close to schools and residential neighborhoods.

WE DO NOT WANT A DOWNTOWN ANNEX and all the noise, violence, drugs and alcohol that currently degrade the Downtown Area. Please consider the needs of families above those of developers and refuse to approve a plan that includes a hotel.

Respectfully,

Mark Dixon and Sandra Fazio

Expected Close Date: February 3, 2017

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

From: [Surf City Pipeline](#)
To: [Ramos, Ricky](#)
Subject: Surf City Pipeline: You have been assigned a new Request #: 28829
Date: Tuesday, March 07, 2017 9:23:58 AM

Request # 28829 from the Government Outreach System has been assigned to you by Judy Demers.

Request type: Comment

Request area: Planning - All Reassigned Inquiries to Planning

Citizen name: Deanna vale

Description: My family has lived for almost 12 years in Huntington Beach and we had no idea until recently that the Magnolia Tank Farm would be sold for a potential development until the Orange County Register reported it since the city and property owner was quiet about the land being for sale. Despite the fact that one of the worst toxic waste dumps in the country borders this land and is still not cleaned up, we have read that the developer claims the land is actually clean enough to build homes on. Has the city seen this study? Does the city trust that and adequate study was done on the potential toxic waste that may be under the top surface when they start digging for home foundations?

Expected Close Date: February 28, 2017

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

Ramos, Ricky

From: Ramos, Ricky
Sent: Thursday, July 25, 2019 1:46 PM
To: Ramos, Ricky
Subject: FW: Proposed changes to the HB 2017 general plan and zoning

From: Mike Mengel <mjmengel@mindspring.com>
Sent: Monday, July 22, 2019 2:48 PM
To: Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Proposed changes to the HB 2017 general plan and zoning

Dear Ms. Luna-Reynosa

This email is for the express purpose of informing you that I am completely against the proposal by Shopoff to make a change to the City General Plan approved in 2017 for the planned development near the protected wetlands near magnolia and PCH. It is my understanding is that this proposal is to be presented to the Community Development Department at a meeting on July 23, 2019. I am totally opposed to any changes in the General Plan.

Thank you,

Michael Mengel
16581 Grunion Lane #304
Huntington Beach, CA 92649

mjmengel1@verizon.net
(714) 846-7196

Ramos, Ricky

From: Luna-Reynosa, Ursula
Sent: Tuesday, July 23, 2019 12:55 PM
To: Ramos, Ricky; James, Jane; Villasenor, Jennifer; Kiff, Dave
Subject: FW: HB Homeowner

From: Mrdi <mrdi2003@yahoo.com>
Sent: Tuesday, July 23, 2019 12:46 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HB Homeowner

The tank farm proposed development is an ill conceived perpetration by money hungry developers. The local infrastructure is not capable and the city is opening itself up to continued liability claims for the cause of cancerous health problems that will be forthcoming for the location adjacent to ASCON.

A lodge with 40 dorm beds is an invitation to further abuse by the drug addicts that are currently flocking to HB.

A planned slum in the making, I am against this development.

Ramos, Ricky

From: De Coite, Kim
Sent: Monday, August 05, 2019 5:31 PM
To: Ramos, Ricky; James, Jane
Subject: FW: Public Comments for Aug 5th meeting

Kimberly De Coite
Administrative Assistant
Department of Community Development
714-536-5276
kdecoite@surfcity-hb.org

-----Original Message-----

From: Dombo, Johanna <Johanna.Dombo@surfcity-hb.org>
Sent: Monday, August 05, 2019 2:00 PM
To: De Coite, Kim <KDeCoite@surfcity-hb.org>
Subject: FW: Public Comments for Aug 5th meeting

For you...

-----Original Message-----

From: Nancy Buchoz <nancybuchoz@yahoo.com>
Sent: Monday, August 05, 2019 12:47 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Public Comments for Aug 5th meeting

Dear Mayor Peterson and City Council,

I am writing to share my concerns regarding the proposed Magnolia Tank Farm as it is being discussed at the Planning Commission level currently.
My concerns are as follows.

The current situation with regards to Ascon Landfill and its halted remediated warrant a second look at the actual environmental condition of the land as it is today. The appropriate thing to do is to have a more comprehensive soil testing done with deeper borings being used as information seeking tools to help us understand the level of toxicity we are actually going to find if this land is excavated. Like Ascon, the soil was thought to be harmless in areas, but once unearthed, the chemical vapors and odors became more than a nuisance, they become instigators of community illness. In order to prudently process with any development we must "be overly careful" and err on the side of being almost too cautious as we definitely don't want to see Ascon part 2 occur for the residents of SEHB. I believe a more thorough gridline soil assessment would benefit our understanding of this land as it is only a chain link fence away from some seriously dangerous chemicals as we all know now.

I believe the air pollution as it is currently being monitored in SEHB is at levels approaching consistently harmful levels and this is from the documentation being distributed by SCAQMD and Ascon. Currently their air monitors have been reading our community because of the issues with Ascons and the faulted remediation, and its showing readings over the acceptable limits for PM10 at locations like Eader Elementary school. (which had a recent reading of PM10 57 anything over 50 is over and typically... anything over 25 is considered bad air quality) the levels were raised for Ascon per AQMD. To this day, no one understands why.... it can only be to create a legal avenue for the Ascon people to keep working while the residents continue to suffer from the effects of the bad air quality. As a resident, I believe is the city

councils responsibility to protect the residents from things like air pollution caused by overdeveloping of any one particular area. We had simultaneous projects occurring and its harming the air quality in Sehb and all this before the potential for more harm comes from a development at the Tank Farm. Today it is impossible to ascertain actually what project is causing the high levels of PM 10?? who would be required to stop work ??? AES??? ASCON??? Add to it another development and this could be a catastrophic situation, a real health crisis for those living in SEHB. Please halt the current proposed development at the Tank Farm and let the Ascon area and the AES area finish their work before we add more pollution and harmful chemicals into the air and into the citizens of SEHB. A no zone change and a more thorough review and potential third party look at the soil makes sense considering what we know now about Ascon and the area itself, through history.

Thank you for your consideration.

Nancy Buchoz

Ramos, Ricky

From: Rob and Lesley Harper <lr_harper@yahoo.com>
Sent: Tuesday, November 28, 2017 9:47 AM
To: Ramos, Ricky
Subject: Shopoff Development

Hi Rick,

I realize that the EIR will study all of the normal environmental impacts - like traffic and noise. However, please consider studying the economic effects of the proposed project by shopoff in SEHB. As a resident, we are concerned that becoming a low income tourist destination will negatively impact our traffic, economy and housing values. We are also concerned about experiencing an increase in crime due to the transient (tourist) traffic increase in the area. We are tired of having packages stolen off of our front porches and cars stolen from our driveways, not to mention drug deals happening on our streets. SEHB is in need of better dining and shopping, economic boosting businesses - not a low income (hostel) or high density residential development. We could use better public facilities - like a high school with full facilities - re: a competition pool and a decent public library branch.

Thank you for taking these concerns into account when the EIR is done.

Rob and Lesley Harper
21571 Hanakai Lane, HB

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 15, 2019 8:09 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Study Session 8/13/19
Attachments: PlanningCommission81319.pdf

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Tuesday, August 13, 2019 9:26 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Claudia Perez <claudia.perez@asm.ca.gov>
Subject: Magnolia Tank Farm Study Session 8/13/19

A man and his corporation buys a plot of contaminated land with full disclosure that this toxic ground was judged in all wisdom as being uninhabitable for humans and zoned for public/semi public use only.

The man decides to change the zoning and questions the wisdom of the city, the residents, the local fire department and public safety agencies.

He does this with the audacity of the following serious problems:

1. 1) He submits an incomplete environmental impact report, which claims on the page and section entitled Executive Summary that “this is a full-disclosure document in order to (1) inform agency decision makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action. . . “ while only providing all of us with glimpses of data and no access to the original reports. Where are the original reports and how do you or I know that they are accurately reflected in this EIR.
2. 2) At least one report that IS included, The Baseline Tank Study Report, beginning on page 6 of the EIR Appendix G mysteriously leaves out pages 1-3 and page 4 begins with “varied from ND to 90 ppm at the 6-inch depth.” You and I both want to know exactly WHAT chemical was found at 90 ppm and WHERE it was found.
3. 3) Ignoring completely the HB Fire Department’s review on page 23 of Appendix G that “the site requires a full investigation with soil sampling on a grid basis across the entire property, and evaluation of the potential of off-site contamination (Ascon Landfill). The use of the existing data was insufficient to prepare a HHRA.
4. 4) Disregarding the HBFD review on page 24 of Appendix G that “the HHRA were not appropriate for a residential site with exposure to indoor air. The HHRA needs to be updated according to all DTSC-approved procedures following a FULL evaluation of soil, soil gas and groundwater at the site.”
5. 5) And then we enter into the northern area of this contaminated purchase which proves the reality that his parcel and the landfill parcel connected to it are linked as one, toxicologically speaking and will never be fit for indoor or full-time human habitation;

- According to page 186 in Appendix G, Soil samples collected near the north property line has benzo(a)pyrene and dibenz(a,h)anthracene that were above the limits for residential limits. These two chemicals are known to be HIGHLY cancer-causing with the highest degree of toxicology rating. One of these chemicals was so abundant in Pit F, that it went beyond the ability to take measurement. And is found on the Tank Farm.
- According to page 20 of Appendix G, crude oil appeared to be migrating along near surface bedding planes and was readily observable along the northern property line. The crude oil

impacted material is . . . still present along the property line and too the north under the Ascon facility.

- According to the same page of Appendix G, a short section of piping was observed leaving the Ascon Property and entering the . . . property. It was stuffed with dirt and still contained crude oil. The piping in this area was significantly degraded and crude oil had been discharged into the surrounding soil. Thus, it appears that the pipeline extending from the Ascon property may be an ongoing and continuing source of petroleum hydrocarbons impacting soils at the Shopoff site.
- Page 29 of Appendix G, Elevated concentrations of TPH along the northern property line may be related to past activities on the Ascon Landfill to the north.
- Page 29 again says that some of the VOCs detected in the soil gas exceed EPA Resident Ambient Air RSLs. The highest detected soil gas concentrations of benzene, ethylbenzene, naphthalene, chloroform, 1,3,5—trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4- trichlorobenzene exceeded Indoor Air Residential and Tier 1 ESLS DTSC HERO as well as EPA Resident Ambient Air.
- on page 30 groundwater samples TPH, TBA and metals exceed in some of the groundwater samples collected and may be from Ascon Landfill.

I stand here today on behalf of our collective wisdom and our shared hope of a healthy environment for today and for generations to come

Do not certify or approve an unworthy EIR from a flawed business plan.

Trust the zoning and General Plan that is in place. It works if we follow it. Do not let the poor business choice of a risky business gamble cause you or anyone in this room to gamble with the lives of the school children, residents, wildlife and future of our precious city. Say no to this ridiculous proposal of GPA and Zone Change and yes to what we all know to be best for everyone. It's that simple.

Thank you,

Sharon Messick

Huntington Beach Landfill Awareness Project

9352 Molokai Dr.

Huntington Beach, CA 92646

909.636.6277

Ramos, Ricky

From: Luna-Reynosa, Ursula
Sent: Tuesday, July 23, 2019 12:58 PM
To: Ramos, Ricky; James, Jane; Villasenor, Jennifer; Kiff, Dave
Subject: FW: Tank Farm/Shopoff development

From: Stacey Coburn <stacey@lrsrm.com>
Sent: Tuesday, July 23, 2019 12:32 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Tank Farm/Shopoff development

Hello Attention Planning Commission Members

AS a valued homeowner and local of HB, Ive lived near this tank farm for the last 10 years. I understand the history of this area and what lives within the soil of his location. I know there is a plan to build residential homes on this land. I urge you to stop the development of any homes to be built on this land.

Please vote NO on any development on this particular area of land.

Please enter this into the public record.

Thank you



Shopoff Realty Investments proposed two development scenarios in an area that was formally an oil storage and pumping facility at 21845 Magnolia St. in Huntington Beach. (Courtesy of the city of Huntington Beach)



Stacey Coburn Realtor (LICENSED AGENT) DRE#01481632
Property Management (22 yrs exp Professional Management services)
[15 Hubble Suite 120, Irvine CA 92618](#) LRS Realty & Management, Inc
(818) 884-5155 office | (714) 756-1300 cell Stacey@LRSRM.com
www.LRSpropertymanagement.com | [Video About LRS](#)



Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 13, 2019 9:26 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

-----Original Message-----

From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Tuesday, August 13, 2019 9:23 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Hazman <hazmn54@gmail.com>
Subject: Magnolia Tank Farm

Planning Commission,

I believe the only prudent thing to do with the Magnolia Tank Farm proposed EIR and development would be to put this project on hold until after the COMPLETE cleanup of ASCON and any adjacent property potentially impacted by ASCON (e.g., Magnolia Tank Farm). I can't imagine building homes just feet away from an active Superfund site.

Thank you for your consideration in this matter.

Steve Farnsworth

Sent from my iPad

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 15, 2019 8:04 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Concerns
Attachments: Magnolia-Tank-Farm-Notes.docx; Tank Farm Planning Comm-8_13_19 copy.docx

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tara Waters <tarabarton1111@gmail.com>
Sent: Wednesday, August 14, 2019 8:06 PM
To: Gregg Haulk <Ghaulk@hbcasd.us>; Grant.Cope@dtsc.ca.gov; Claudia.perez@asm.ca.gov; Alyssa.napuri@mail.house.gov; Ryan.billings@asm.ca.gov; laura.oatman@mail.house.gov; Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Claire.conlon@asm.ca.gov; charwick@hbuhdsd.edu; Owen Crosby <ocrosby@hbuhdsd.edu>
Cc: HBUHSD <marmiejoe@msn.com>; CITY COUNCIL <city.council@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>; Boardoftrustees@hbuhdsd.edu; HBUHSD <Alexander.Gonzalez@mail.house.gov>
Subject: Magnolia Tank Farm Concerns

Greetings,

Attached is a summary of concerns from the community regarding the Magnolia Tank Farm DPEIR and some questions that have arisen based on the EIR. Please review for your background knowledge. I am available if you have questions or would like to discuss.

Thank you for your time.

Tara Barton
HB-LAP

909-223-9234

Magnolia Tank Farm Community Concerns:

The environmental data collected at the property is insufficient to support unrestricted use and residential development. The most significant health risk associated with the petroleum contamination is the migration of hazardous vapors into building structures. Petroleum compounds will “off-gas” volatile organic compounds (VOCs) which can build up beneath pavement and subsequently inside buildings. To determine the vapor intrusion risk, a full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.

The Human Health Risk Assessment (HHRA) performed for the property in 2016 is inadequate, specifically due to the limited number of soil gas samples (in consideration of the size of the property), and their locations outside of areas of known soil and groundwater contamination. Also, the 2016 HHRA has not been updated to follow current EPA/DTSC guidelines, specifically a revised attenuation factor used to calculate the expected concentrations of hazardous vapors inside buildings.

Additionally, much like the insufficient soil gas sampling at the property, groundwater sampling in 2018 was NOT performed in areas of known contamination, or in areas that groundwater would flow towards. The well locations are not suitable to determine the extent of groundwater contamination beneath the property.

GENERAL:

- Soil gas sampling performed in 2013 and 2016 is insufficient due to the limited number of sample locations and their locations outside documented areas of contamination.
 - A total of 23 soil gas locations have been sampled at the property; **this is less than one per acre**, which is not adequate to determine the vapor intrusion risk for future residential buildings across the property.
 - The soil gas samples were **NOT** collected the areas of the three (3) former tanks or piping **which have been documented with contamination**.
 - The Huntington Beach Fire Department (HBFD) has previously stated the existing data was insufficient to prepare a HHRA and not appropriate for a residential site with exposure to indoor air (HBFD Review of Existing Reports, 2017).
 - The HBFD has also stated that the property requires a full investigation on a grid basis across the entire property; which has not been completed (HBFD Review of Existing Reports, 2017).
 - The 2016 HHRA itself concludes further assessment may be warranted for impacts identified at the pipeline along the northern boundary and 3 former oil producing wells.

- The recommended sampling on a grid basis has not been performed. Additional soil gas assessment for VOCs should be performed in a comprehensive grid across the property, or at a minimum in areas of documented contamination.
-

2013 Soil Gas Assessment:

- The fifteen (15) soil gas samples collected in 2013 were NOT in areas that contamination has been documented.
 - The locations were along the perimeter of the property and/or outside the footprint of the former tanks and piping.
 - Even in consideration of inadequate locations, **multiple VOCs exceeded regulatory screening levels**. These contaminants included *benzene*, *ethylbenzene*, *naphthalene*, *chloroform*, *1,3,5- trimethylbenzene*, *1,4-dichlorobenzene*, and *1,2,4-trichlorobenzene*.

2016 Soil Gas Assessment:

- The eight (8) soil gas samples collected in 2016 were limited to methane analysis (not all VOCs) and were not in the areas of the former tanks, former oil wells, or piping.
 - Only two (2) of eight (8) samples were submitted for laboratory analysis.
 - The laboratory results were inconsistent with the field screening results. One of the two samples showed detections of methane that were not identified in the field.
 - The DTSC has noted that the two (2) submitted samples were not analyzed within the appropriate time of six-hours.
 - Huntington Beach City Specification 429 requires methane testing at a distance of 1,000 feet from landfills and 100 feet from abandoned oil wells.
- It does not appear the testing requirements for methane have been met; additionally this assessment did not include analysis of VOCs.

2016 Human Health Risk Assessment:

- The use of a 0.001 attenuation factor used in the vapor intrusion risk assessment is not appropriate for the site. Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03**, over an order of magnitude less.
- Chemicals that were detected, but did not exceed published regulatory screening levels, were excluded from the HHRA.
 - When performing a cumulative HHRA, exclusions based on their individual screening levels is not appropriate.
- Additional soil gas sampling in areas of documented contamination should be performed and the HHRA should be updated to include the additional data and recommended attenuation factor of 0.03.

2018 Groundwater Monitoring Well Sampling:

- The three groundwater monitoring wells (MW-1 through MW-3) were *NOT* installed within or “down-gradient” of the known areas of contamination.
 - None of the wells were installed in the areas of former tanks, oil wells, or piping.
 - The groundwater flow is reported towards the northeast corner of the property. No wells were installed in this location.
- Additional wells should be installed within areas of documented contamination, as well as the northeast corner of the property which is directly “down-gradient” of this contamination.

Regulatory Framework

The regulatory oversight for the property is unclear, and it is not understood why the Huntington Beach Fire Department may have been designated the lead agency.

- The Compilation Report (Tait 2017) indicates that the Huntington Beach Fire Department (HBFD) is the lead oversight regulatory agency for the project, which is inconsistent with other reports.
 - The HBFD has stated that the contamination is beyond the limits of the HBFD jurisdiction, and that the DTSC and potentially other regulatory agencies should have the status as the lead agencies.
 - The HBFD and Shopoff have subsequently agreed that the DTSC is the lead agency for the site.
- The inconsistent regulatory oversight of the property may have resulted in previously identified data gaps and subsequent recommendations not being addressed.

As a HB resident, mother, scientist, and activist I have a lot of questions, as does this community. You too should have these same questions. I believe the answers would conclude that it would be too big of a liability and negligent to approve the rezoning requests of Shopoff for the Magnolia Tank Farm project. This triangle of land in totality should be condemned and NEVER developed.

I do not understand the inconsistencies of the statements made by representatives of Shopoff Reality to the city of Huntington Beach and this Planning Commission. Representatives of Shopoff Reality have insisted that the Tank Farm site does not contain toxic soil or ground water. They have also stated ASCON has not affected Tank Farm soil or ground water.

- How can land that was once an oil field not contain contaminants?
- How can land next to a superfund toxic dump, only separated by a chain link fence, not contain cross contamination of ground water, deep soil, and top soil?
- When the 3 Tanks were removed from the site in 2017 did they contain asbestos and lead? The draft EIR states the Tanks did in fact contain asbestos and lead...so was that asbestos and lead released in to the air without warning to the public?
- Why is this project not on Environstar and DTSC's respective websites?
- Total Petroleum Hydrocarbons were found above recommended limits in the soil at Tank Farm in 2013. In 2016 soil tests were taken again and based on this data the RFI report recommended closure of Shopoff's portion of the generating station. Why?
- The Human and Ecological Risk Office has concerns with the methodology and conclusions of the RFI Report. Why?
- Ground water has been found with elevated levels of TBA, metals, and TPH at both Tank Farm and ASCON. What's the source?
- The April 18, 2018 Compilation Report of Environmental Investigation suggests ASCON is one source of the ground water's contamination yet additionally states DTSC has determined the ground water has beneficial use such as municipal, industrial, and agriculture. Why would known toxic ground water ever be used where exposure to humans and wildlife is a risk?
- The same report states "the pipeline extending from the ASCON property may be an ongoing and continuing source of petroleum hydrocarbons impacting the soils at the Shopoff site." Why is the community being told ASCON is not a contamination threat to Tank Farm then?
- The same report states "VOCs detected in soil gas exceeded EPA Resident Ambient Air RSLs." So why is this land considered a safe and appropriate place to build residential homes?
- Has the air been assessed and monitored during AES construction and at the Tank Farm site? Will the air be monitored for background proposes?
- Eader Elementary PM10 readings have been over 50ug/m3 (up to 67) and is not located in the known wind pattern of ASCON. What is the source of the particulate matter?
- What is the accumulative effects of AES, ASCON, and Tank Farm projects on the community?
- What will the long term health effects be to the community from exposure to toxins from AES, ASCON, and the proposed Tank Farm Project?

Shopoff does not live or work in Huntington Beach...he just wants to build on toxic land and spin a profit at the risk of poisoning the community. The community doesn't need high end houses, we need more affordable houses. If this land is too toxic for the affluent, its to toxic for the destitute. This land should be condemned forever.

- What is Shopoffs intent and overwhelming interest in Huntington Beach?
- Why has he sponsored large Gala's at GoldenWest College?
- Why has he contributed to politician's campaigns in Huntington Beach?
- Why does he donate large sums of money to the Huntington Beach Chamber of Commerce?
- Why does he donate large sums of money to pediatric brain cancer research to a charity founded by a family who lives next to Tank Farms and lost a child to DiPG?
- Why did Shopoff offer to donate millions of dollars to build the Aqua Center at Edison High School which is located across the street from Tank Farm and ASCON?

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 8:00 AM
To: Ramos, Ricky
Subject: FW: ASCON PROJECT

Importance: High

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gary Tarkington <garytarkington@msn.com>
Sent: Friday, August 23, 2019 12:15 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: ASCON PROJECT
Importance: High

The Huntington Beach City Council,

According to the latest scientific evidence on SERIOUS MENTAL ILLNESS, the combination of chemicals your child was exposed to from the offgassing excavation has put your child at risk for developing bipolar disease, schizophrenia, personality disorder, epilepsy, and Parkinson's disease. This is from ASCON!

We want YOU the HB City council to fight the corporate polluter Ascon and new development on the Tank Farm that will make your child's bad air quality worse in the near future. Nothing jeopardizes a child's future like serious mental illness, which is now believed to be potentially brought on by neuroinflammation due to environmental toxins. This project is NOT RIGHT for many reasons! Please VOTE NO!!!

Ann Tarkington
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 2:04 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Bob Vale <surfbob33@gmail.com>
Sent: Tuesday, August 27, 2019 1:48 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Planning Commission Members,

I oppose the Proposed Shopoff Project.

I'd like to see either no development or housing that is consistent the existing neighborhood. And no hotel! The alternatives need to have positive effects on the environment, residents, and visitors.

I'm concerned about over development, especially when you consider the cumulative effect of being next to the Ascon Toxic Landfill, the AES Generating Facility, and possibly the Poseidon Desal Plant.

I'm concerned our city is considering changing zoning to allow Shopoff to continue with their proposed project right next to the Ascon Toxic Landfill, especially when you consider we're in a liquefaction area and flood zone. I'm thankful a cleanup activity was started, even though it's now on hold. We really don't totally understand the full extent of what industrial toxic chemicals have been buried there for years and years. During a flood and or an earthquake the required deep foundations and graded surfaces of the proposed project right next to Ascon create a risk for contaminated water flow to the surrounding neighborhoods, the Magnolia Marsh, and storm drains leading to the ocean. I believe it's risky, and opens up the potential for future lawsuits if our city allows building a new neighborhood of this size right next to the Ascon Toxic Landfill.

It painfully reminds me; the decision makers thought it was perfectly safe to build right next to the contaminated Love Canal.

Every neighbor I talk with is totally against the Shopoff proposal and would like no development or housing that is consistent the existing neighborhood. And no hotel! Most of

my neighbors work full time, some with kids, and don't have a lot of time for City Council/Planning meetings. Most hope they're being represented correctly.

I respectfully ask our City Planning Commission to make responsible decisions for us and future generations.

Thank you,
Bob Vale
9332 Leilani Drive
Huntington Beach, CA 92646

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 3:25 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm Project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: s.a.m.e.nsehb@gmail.com <s.a.m.e.nsehb@gmail.com>
Sent: Tuesday, August 27, 2019 10:12 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm Project

Planning Commissioners

I live right across the street, south of Banning and east of Magnolia, from the MTF. From what I've been reading in their EIR reports anytime anything comes up about parking they say "there is parking on Magnolia" so no problem. Wrong there is 2 hour parking on Magnolia during the day and 1 hour at night. I don't see enough parking in the area for everything they want to do also I don't see any Handicap parking at all. Being one who is handicap this is important to me. As it is now with the lack of parking on Magnolia the increase in traffic in our neighborhood has more than doubled.

This makes it hard for me to get across the street. Sure we have access ramps now but no one stops for you to get across the street or they just park in front of the curb. It's a \$364 ticket but I still can't get across the street. With the lack of parking for the MTF and the amount of cars it will bring traffic in our neighborhood will really increase. Even if they put in a parking garage for the hotel and business it won't work. People won't pay to park at the beach now and people won't pay to park in their garage if they know they can just park across the street for free. The same with the residents or maybe even valet parking.

When I want to go to the beach I have to go out to Banning and ride down the sidewalk to Magnolia. Cross north on Magnolia than cross Magnolia. I then have to go back towards the beach crossing the driveway/street to the MTF. If the hotel is there this could be a very busy intersection. The other way is to go out on Banning to Magnolia, around the corner and down Magnolia towards PCH. Then cross Magnolia and up on the sidewalk at PCH. If there are a lot of people at the corner I can't get on the sidewalk and have to wait in the street. With the increase in traffic, this isn't the best idea

I think this whole project is going to increase foot, car and truck traffic on Magnolia and surrounding neighborhoods. Add an event at the State Beach and traffic could stop.

Plus with the small amount of parking in the MTF it will fill up very quickly in the summer and on State Beach events taking all spaces for residences and hotel guest.

We don't need more traffic, a hotel or houses that don't match the area. We'd do better with just a parking lot or better a green zone. We're taking so many of our trees and plants away and soon there will be none, just concrete and buildings just like New York.

Please save our beach community

Bonnie Marriott

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 29, 2019 9:48 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm, Ascon, and AES - Pollution and Traffic

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Cheri Pulcini <brucecheri50@gmail.com>
Sent: Thursday, August 29, 2019 9:39 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm, Ascon, and AES - Pollution and Traffic

As residents of Huntington Beach in the Seabury Tract between Newland and Magnolia and Atlanta and Hamilton, we would like to let you know that traffic in our has seriously increased since Pacific City was built. Now you want to build even more packed to the hilt housiing. The Tank Farm does not fit in - this is a residential neighborhood with kids and bikes - we don't need hotels in this area.

Traffic gets backed up just trying to make a left turn into the Vons Shopping Center. That is just now. If the Magnolia Tank Farm is added then the traffic around here will be CRAZY! We do not need any more hotels or stack-and- pack homes jammed along the coast and into our neighborhoods. It is difficult now to enter / exit our neighborhood with all the traffic on Hamilton! and also Magnolia and Newland! Sometimes you have to wait for as many as 45 cars to go by just to make a turn into the track - and we're not even near the freeway - that's crazy.

Also, there are 2 huge pollution issues happening right now - Ascon and AES - these are toxic-air nightmares for us - we can't walk through Edison park without the stink smell of methane & oil. Is this guaranteed safe for us and our children?

Our safety and health must be protected - it is all of your jobs to make sure we and our children and grandchildren are safe; and not jammed into an area packed to the hilt with cars and traffic.. As it is now, we have to "schedule" to do our shopping only on weekdays and only in the mornings.

We look to you to do the right thing - no hotels, and much, much less traffic.

Thank you, Bruce and Cheryl Pulcini
21322 Sand Dollar Lane, Huntington Beach, Ca 92646
Residents for 45 years

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 7:55 AM
To: Ramos, Ricky
Subject: FW: Comments on Magnolia Tank Farm -- Commission Meeting 8/27/19
Attachments: MTF Planning Commission 82719.pdf; Appendix-G -Soil and Groundwater tests 2013 pp20-22.pdf; MTF Planning Exhibits dropbox.pdf

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Shammy D <shammyd@mac.com>
Sent: Monday, August 26, 2019 10:05 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Comments on Magnolia Tank Farm -- Commission Meeting 8/27/19

Dear Commissioners:

I plan to make comments at tomorrow evening's meeting of the Planning Commission on the EIR for the Magnolia Tank Farm. Attached are my comments as well as a backup document. I am also attaching a backup document for my comments at the previous meeting on the MTF.

Carolyn "Shammy" Dingus
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808-778-4013
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Basic Summary of Issues

Soil Gas Tests Inadequate and Erroneous

- Primary emphasis on EIR analysis has been on SOIL testing, but soil GAS testing is more important for RESIDENTIAL use.
- The amount of testing is inadequate. A total of only 24 soil gas samples have been tested. LESS THAN 1 PER ACRE. 16 samples taken in 2013 showed VOCs exceeding EPA limits (i.e., Benzene). In 2016, 8 additional samples were tested — but for METHANE ONLY.
- SOIL GAST TESTING ONLY DONE ON PERIPHERY — NO TESTING was done under the tanks. No consideration was given to the actual location of planned houses relevant to the location of tests. A test grid with several tests per acre, using a FULL-SCREEN analysis of VOCs is required. Too many assumptions have been made with VERY LITTLE ACTUAL DATA.
- An out of date Attenuation Factor (.001 vs. .03 current) was used in the HHRA (Human Health Risk Assessment) calculation, which resulting in an estimation of risk that UNDERSTATES BY AT LEAST 2 ORDERS OF MAGNITUDE THE ACTUAL HEALTH RISK AT THIS SITE.

Groundwater Tests and Planning Incomplete

- Likewise the groundwater testing was inadequate. It was SIMILARLY ONLY TESTED AT THE PERIPHERY OF THE PROPERTY with no regard to where houses would be located, and not tested at all under the tanks.
- The RELATIONSHIP between the groundwater, which carries GASES, was not considered. The groundwater may be a continuing source of soil gas which may penetrate the homes.
- NO CONSIDERATION WAS GIVEN TO THE HB CHANNEL as a CONTINUING SOURCE of pollutants in the groundwater. The Ascon toxic dump, as an example, has a history of being pump or overflowing into the channel.

SUMMARY: THIS PROJECT IS NOT READY FOR DECISION-MAKING

- Full-Screen VOC grid testing is required to test ALL the property, particularly the areas where residences may be located in the future.
- The calculations for health risks much be re-computed
- Greater attention to be payed to the COMMENTS MADE BY THE HBFD. They have done an excellent job of identifying problems with the project and environmental assessment.

THIS PROJECT IS BASICALLY A BAD IDEA

- As the SCAQMD has pointed out, this property is wedged between a heavy-duty industrial area and a toxic waste dump. The appropriateness must be considered in its TOTALITY.
- There will be unknown health risks for future residents, which the city may be liable for.
- There will be a lot of noise (i.e. pile driving), additional dust, chemicals releases, and construction traffic forced on existing residents who are already dealing with immense issues related to the remediation of the Ascon toxic dump.

groundwater investigations are discussed in Sections 6.2 and 8.1, respectively. Figures, tables, and other relevant documents are contained in Appendix B.

Work Performed: Work was completed in December, 2013. A total of 15 soil gas probe locations (SG1 through SG15) were installed across the site, primarily within the bermed areas of the tanks, along the eastern perimeter of the site, and in the Primary Fuel Pumping Area. All soil gas samples were collected from a depth of 3 feet bgs. SG9 was not sampled, as groundwater was encountered at a depth of 4 feet bgs. The soil gas probe locations are shown on Appendix B-Figures 2 and 2A. All samples were analyzed for TPH using EPA Method TO-3, for BTEX compounds using EPA Method TO-17, and for VOCs using EPA Method TO-15.

Investigation Results: Analytical Results are shown in Appendix B-Table 5. Laboratory results contained in the WGR Report are shown in parts per billion (v/v) and are listed on Appendix B-Table 5 as parts per billion (ppb). Results of the investigation are as follows:

- Benzene was detected in SG2 at 0.56 ppb.
- Toluene was detected in SG4 at 5.4 ppb, and in SG15 at 11 ppb.
- Ethylbenzene was detected in ppb in the following soil gas probes: SG4 (2.2), SG 5 (17), SG10 (2.6), SG12 (0.75), SG13 (2.0), and SG15 (1.4).
- Total xylenes were detected in ppb in the following soil gas probes: SG4 (10), SG 5 (8.4), SG10 (12), SG12 (3.4), SG13 (19), and SG15 (6.6).
- Naphthalene was detected in SG14 at a concentration of 2.1 ppb.
- TPH was not detected in any of the samples.
- Additional VOCs were detected in some of the soil gas samples.

Table 2 is a summary of the Soil gas results, Much of this information was contained in the laboratory reports in the appendices of the WGR report, and it is summarized on this table. Table 2 summarizes only the highest concentrations of each VOC from all of the soil borings. The concentrations of VOCs in the WGR report are in ppb or ng/sample. In the absence of definitive data from the laboratory reports or the WGR report, the assumption is made here that the ng/sample is based on 1 liter of sample, and that 1 ng/sample is equal to 1 ppb. Calculations were made to convert to ppb values to micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). An on-line conversion table provided by Eurofins Air Toxics (Eurofins, 2017) was used to complete the conversion.

Summary: WGR noted that several of the compounds detected exceeded EPA Region 9 residential air quality maximum contaminant concentrations. Based on the data shown in Table 2, the highest detected concentrations of benzene, ethylbenzene, naphthalene, chloroform, 1,3,5-trimethylbenzene, 1,4-dichlorobenzene, and 1,2,4-trichlorobenzene exceeded CRWQCB-SFB Indoor Air Residential and Tier 1 ESLs, as well as EPA Region 9 Resident Ambient Air RSLs. None of the VOCs exceeded the CRWQCB-SFB Residential Sub-slab ESLs. DTSC HERO Note 3 contained only screening levels for benzene and toluene, and benzene exceeded the DTSC screening level. VOC concentrations are relatively low; however, further evaluation of the analyses with respect to DTSC Hero Note 3 listing and the U.S. EPA Region 9 Resident Ambient Air RSLs may be warranted.

7.2 EEI 2016: Site Investigation Report (EEI, 2016)

Objective: To evaluate shallow soils and soil gas for potential impacts from petroleum hydrocarbons and perform a focused methane soil gas survey to identify areas of subsurface contamination that may impact site redevelopment. This section covers the soil gas investigation only. The soils investigation is covered in above in Section 6.3. Figures, tables and other relevant documents are contained in Appendix C.

Work Performed: Work was completed in February, 2016. Soil gas probes were installed in 8 locations (M1 through M8) within the bermed areas of Tanks 1, 2, and 3, and in the area of the Motor Control building. The locations of the borings are shown in Appendix C-Figure 2. Samples were collected at a depth of 4 feet bgs in each of the soil gas probes. The samples were analyzed for methane using EPA Method 8015M.

Investigation Results: Analytical Results are shown in Appendix C-Table 2. Methane was detected at a concentration of 14 parts ppm volume (ppmv) in sample M7-4, which is located at the northeastern perimeter of Tank 1. A methane concentration below the laboratory reporting limit of 10 ppmv was detected in sample M3-4, which is located northeast of Tank 3.

Summary: The methane levels detected are well below the Orange County Fire Authority screening level of 5,000 ppmv. The methane levels detected in the samples collected during this investigation were not considered to be significant.

8.0 RESULTS OF GROUNDWATER INVESTIGATIONS

WGR completed a groundwater sampling investigation at the site in December 2013 in coordination with the soils and soil gas investigation as outlined above in Sections 6.2 and 7.1, respectively. That investigation is outlined in Section 8.1 below.

8.1 WGR, 2014: Phase II Site Assessment (WGR Southwest, 2014)

Objective: To evaluate the potential presence of contaminants in groundwater along the northern boundary of the site adjacent to the Ascon property to determine the potential for on-site migration of contaminants from the Ascon landfill. Groundwater evaluation of the eastern, western, and southern boundaries of the site was also undertaken during this investigation. Figures, tables, and other relevant documents are contained in Appendix B.

Work Performed: Work was completed in December, 2013. A total of 8 groundwater borings were completed on the site. GW1 through GW5 were completed along the northern boundary of the site adjacent to the Ascon Landfill. GW 6 was completed along the eastern boundary of the site. GW 7 was completed along the western boundary of the site in the Primary Fuel Pumping Area. GW 8 was completed in the southern tip of the site. All of the GW-series borings were located outside of the bermed areas of Tanks 1, 2, and 3. The groundwater samples were collected from a depth of 1.5 feet below the groundwater table in each boring using low-flow purge techniques. A groundwater sample could not be collected from GW8 due to the fine-grained

lithology (clay) at this location. The groundwater boring locations are shown on Appendix B-Figures 2 and 2A. Groundwater samples from wells GW1 through GW7 were analyzed for TPH (full hydrocarbon chain) using CA DOHS Method 8015 and for VOCs using EPA Method 8260B. In addition, groundwater samples from GW1 through GW5 were analyzed for SVOCs using EPA Method 8270; for pesticides using EPA Method 8081; for PCBs using EPA Method 8082; for herbicides using EPA Method 8151; and for metals.

Investigation Results: Analytical Results are shown in Appendix C-Table 4. Note that Table 4 reports the results in milligrams/liter (mg/l); however a review of the lab reports indicates that all results are reported in micrograms/liter (µg/l). Results of the investigation are as follows:

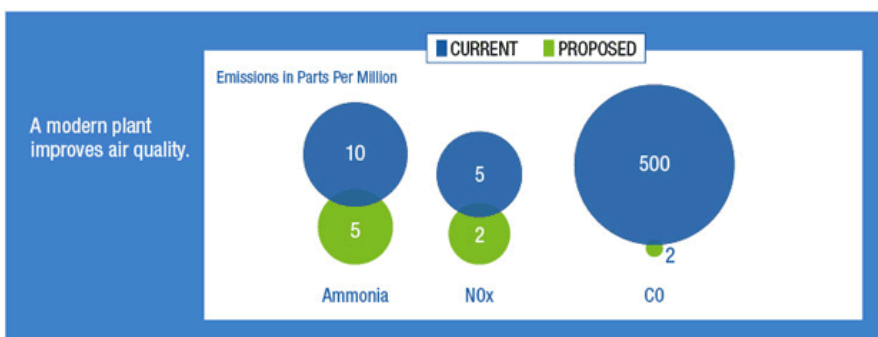
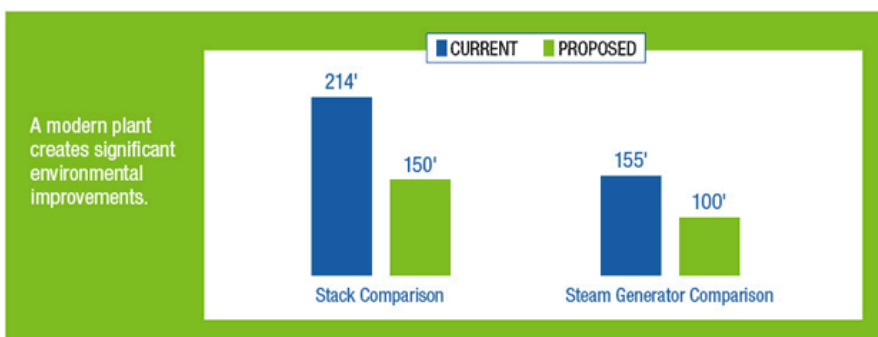
- TPH was detected within the range of C15 to C36 in samples GW3 at (130 µg/l), GW5 (1,400 µg/l), and GW7 (210 µg/l). A concentration of 760 µg/l TPH in sample GW5 is within the DRO carbon chain range, with the remaining TPH in the MORO carbon chain range.
- Tertiary butyl alcohol (TBA) was detected in samples GW2 (370 µg/l) and GW6 (260 µg/l).
- Ethanol was detected in sample GW5 (370 µg/l).
- Bisphthalate was detected in samples GW2 (13 µg/l) and GW4 (23 µg/l).
- No other VOCs or SVOCs were detected in the samples.
- No pesticides, herbicides, or PCBs were detected in the groundwater samples.
- Metal levels were determined to be naturally occurring.

Summary: TPH concentrations in wells GW3, GW5, and GW7 exceed the CWRQCB-SFB ESL maximum Contaminant Level (MCL) for DRO of 150 µg/l and the CWRQCB-SFB Tier 1 ESL of 100 µg/l DRO. Some of the TPH in GW3, GW5, and GW7 appears to be within the MORO range, which has a higher MCL, but this cannot be determined by the data in the report. TBA concentrations are above the CWRQCB-SFB ESL MCL of 12 µg/l for TBA. Bisphthalate detections were believed by WGR to be from the PVC casing used to collect the groundwater samples. WGR also stated that although the levels of metals was believed to be naturally occurring, several of the metals detections were above their respective MCLs, including arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, molybdenum, mercury, vanadium, and zinc. Each of wells GW1 through GW5 contained metals concentrations above their respective MCLs. The location of the site between the Pacific Ocean and the Talbert Gap Saltwater Barrier Project injection wells to the east has resulted in no municipal supply wells being located within 3 miles of the site. Therefore, the groundwater contaminants at the site are not considered a risk to the municipal water supplies.

MTF Simply Not Suitable for Residential Use

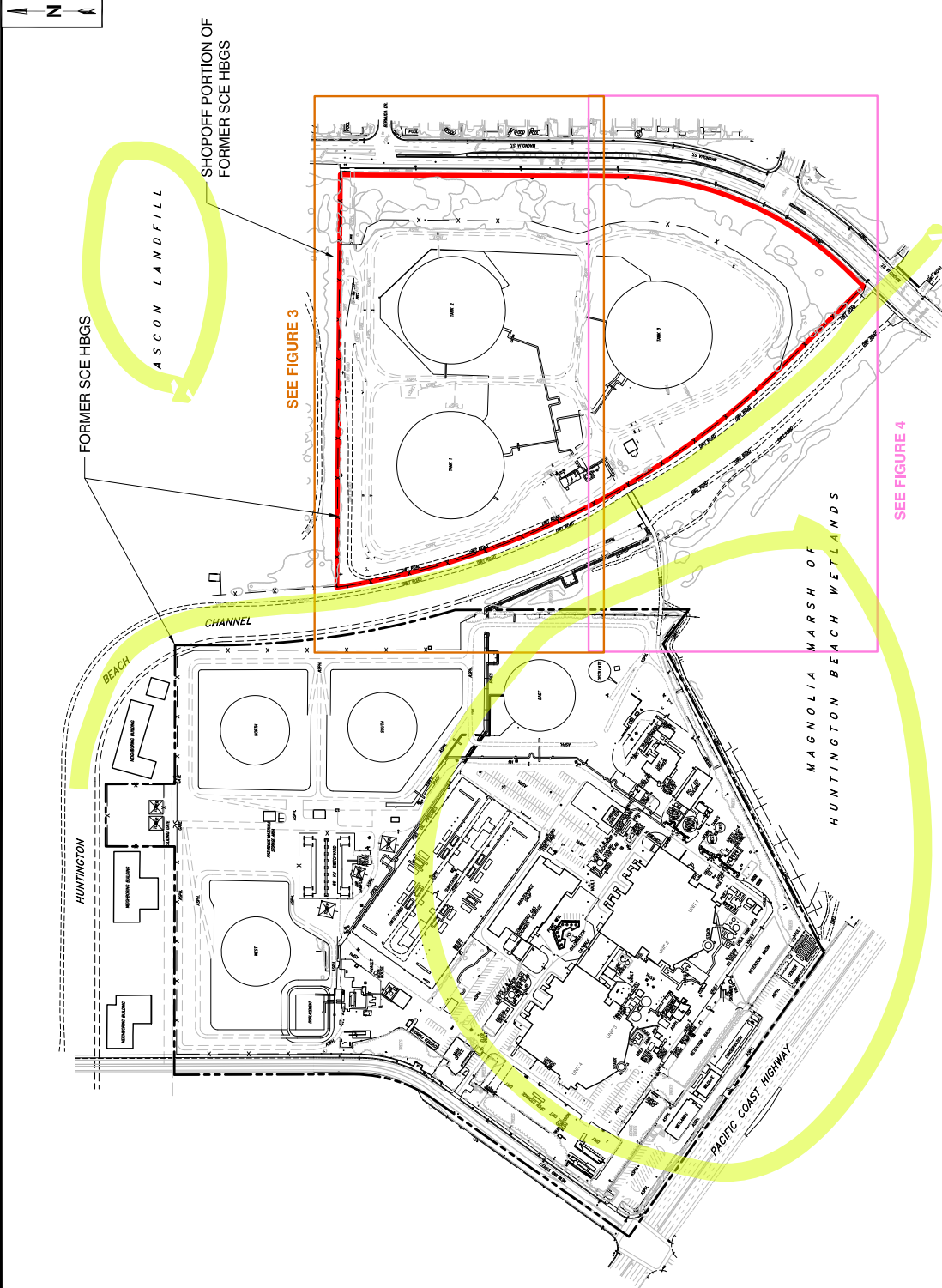
- The MTF Property is located between the *SCE Generating Plant* (an industrial facility), *Ascon Toxic Waste Dump*, and *PCH*, all of which produce various gases and other toxic materials.
- **The combination of all three of these** makes this property unsuitable for residential use.
- Generation of power at AES results in the release of both conventional and greenhouse gas (GHG) emissions. These conventional air emissions may consist of sulfur dioxide (SO₂), nitrogen oxides (NO_x), particulate matter (PM) and mercury (Hg). Also, the combustion of fuels results in the direct emission of Scope 1 GHGs, primarily carbon dioxide (CO₂).

AIR QUALITY



ASCON

- Over the years, many who live in nearby neighborhoods have **complained about the health problems they have experienced** which they believe are caused by the chemicals on site, the additional effects of remediation, and **questioned whether living so close to the site has increased their risk for cancer**.
- Arsenic, sulfuric acid and benzene acid are among the chemicals found at the landfill, and, if left there, they could contaminate the groundwater supply, experts say.



APPROXIMATE SCALE IN FEET

ENVAPPS
Environmental Applications, Inc.

2130 Huntington Drive, Suite 300
South Pasadena, California 91030

SITE MAP

Project
Shoppoff Portion
Former Southern California Edison
Huntington Beach Generating Station
21730 Newland Street
Huntington Beach, California 92646

Project Number
1411-02
Date
October 6, 2017

Figure
2



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

March 13, 2019

RRamos@surfcity-hb.org

Ricky Ramos, Senior Planner

City of Huntington Beach, Community Development Department

2000 Main Street

Huntington Beach, CA 92648

Draft Program Environmental Impact Report (DPEIR) for the Proposed Magnolia Tank Farms (SCH No. 2017101041)

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final PEIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 250 residential units, a 211,000-square-foot hotel containing 215 rooms, a 19,000-square-foot retail building, a 2.8-acre conservation area, and a 2.8-acre park on 28.9 acres (Proposed Project). The Proposed Project is located at 21845 Magnolia Street on the northwest corner of Magnolia Street and Banning Avenue. Based on a review of Exhibit 3-2, *Local Vicinity*, in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the American Energy Services (AES) power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility as well as other oil-related facilities including pipelines and ancillary buildings¹. Construction of the Proposed Project is expected to occur over five years from 2020 to 2025 and will become operational in 2026².

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant after the implementation of mitigation measure (MM) AQ-1³, which requires scrapers used during construction activities to meet Tier 3 or better off-road emissions standards⁴. Additionally, the Lead Agency quantified emissions resulting from an overlapping construction and partial operation scenario occurring in 2025⁵, in which 75% of residential units would be occupied and the remaining components of the Proposed Project would be fully operational, and then compared those combined emissions to SCAQMD's regional operational thresholds to find that the Proposed Project's air quality impacts would be less than significant.

SCAQMD Staff's General Comments

The Proposed Project is located in close proximity to power-generating facilities, landfill operations, and a freeway. These land uses have the potential to generate toxic air contaminants (TACs) and/or volatile

¹ DPEIR. Section 2.4.1. *Property History*. Page 2-15.

² DPEIR. Section 3.5.14, *Project Description: Phasing*. Page 3-20.

³ Construction emissions for 2021 were projected to be 104 pounds per day before implementing MM AQ-1 and 90 pounds per day after implementing MM AQ-1.

⁴ DPEIR. Section 4.2, *Air Quality*. Page 4.2-28 and 4.2-29.

⁵ *Ibid*. Page 4.2-31.

organic compounds (VOCs), and attract heavy-duty diesel-fueled trucks that emit diesel particulate matter (DPM), which the California Air Resources Board (CARB) has identified as a TAC based on its carcinogenic effects⁶. Therefore, the Lead Agency should analyze the potential health risks to residents who will live at the Proposed Project. The analysis will serve as substantial evidence to support the Lead Agency's finding that "the TAC impact to future residents and employees of the proposed Project or Alternative 1 and to off-site receptors would be less than significant⁷." Please see the attachment for more information. The attachment also includes recommended changes to existing MM AQ-1 that the Lead Agency should include in the Final PEIR.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:RD
ORC181219-04
Control Number

⁶ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

⁷ DPEIR. Section 4.2, *Air Quality*, Page 4.2-40 through 4.2-41.

ATTACHMENT

Air Quality and Health Risk Assessment (HRA) Analyses*Health Risk Assessment Analysis from Freeways and Other Sources of Air Pollution*

1. Notwithstanding the court rulings, SCAQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. **Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within a close proximity to major sources of air pollution, such as natural gas power plant facilities, landfills, and freeways, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.**

Health Impacts

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 250 residential units. Based on a review of Exhibit 3-2, *Local Vicinity*, in the DPEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located adjacent to multiple sources of air pollution, such as the AES power plant, the Ascon Landfill site, and State Route 1 (SR-1). Additionally, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings⁸. Residents living at the Proposed Project would likely be exposed to toxic air contaminants (TACs) such as DPM from the transportation and idling of heavy-duty, diesel-fueled trucks associated with the nearby land uses. **Therefore, SCAQMD staff recommends that the Lead Agency consider health impacts on future residents living at the Proposed Project by performing a HRA analysis to disclose the potential health risks on future residents at the Proposed Project in the Final PEIR⁹.** This will facilitate the purpose and goal of CEQA on public disclosure and provide decision-makers with meaningful information to make an informed decision on project approval. **This will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to sources of air pollution.**

HRA Analysis +
Public Disclosure*Guidance on Siting Sensitive Receptors Near Freeways and Other Sources of Air Pollution*

2. SCAQMD staff recognizes that there are many factors lead agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between lead agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, **SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005¹⁰.** This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses can be found in the **California Air Resources Board's *Air Quality and Land Use Handbook*; A**

Incompatible Land
Use?

⁸ DPEIR. Section 2.4.1. *Property History*. Page 2-15.

⁹ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

¹⁰ South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

Community Health Perspective, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Enhanced Filtration Units and Limitations

3. Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near land uses that emit TACs and/or attract or generate heavy-duty, diesel-fueled truck trips, such as landfills and power-generating facilities, it is essential that any proposed strategy must be carefully evaluated before implementation. SCAQMD staff recommends that the Lead Agency require the installation of MERV 13 filters or better at the Proposed Project and incorporate the following comments in the Final PEIR.

Filtration Systems
in EACH UNIT

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹¹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate TAC exposures.

Ongoing Costs of
Electricity & Filters

Enforceability of Enhanced Filtration Units

4. If enhanced filtration units are required for the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to TACs, SCAQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature and provide additional details regarding the ongoing, regular maintenance, and monitoring of filters in the Final PEIR. To facilitate a good-faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final PEIR should include the following information:
 - a) Disclose the potential health impacts to prospective residents from living in a close proximity to sources of air pollution (e.g., power plant, landfill, SR-1 etc.) and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
 - b) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
 - c) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;

Required Ongoing
Responsibility for
Maintenance - City?

¹¹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <https://www.igair.cn/sites/default/files/documents/Polidori-et-al-2012.pdf>.

- d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- e) Provide information to residents on where the MERV filters can be purchased;
- f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- g) Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
- i) Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- j) Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

City-wide Plan?

Recommended Changes to Existing Mitigation Measure (MM) AQ-1

5. In the Air Quality Analysis, the Lead Agency found that implementation of four Tier 3 scrapers during site preparation of the construction phase would likely reduce the air quality impacts resulting from the Proposed Project's construction emissions. As currently written in the DPEIR, MM AQ-1 proposes that diesel-powered scrapers would be powered with CARB certified Tier 3 engines. To further reduce the Proposed Project's construction emissions, SCAQMD staff recommends that the Lead Agency revise MM AQ-1 to require the use of Tier 4 off-road equipment for all units of construction equipment of 50 horsepower (hp) or greater, where available. An example of potential changes are provided below.

MM AQ-1: All off-road diesel-powered equipment of 50 horsepower or greater Scrapers used for construction of the proposed Project or Alternative 1 after January 1, 2020 shall meet Tier 34 or better off-road emissions standards, where available. To ensure that Tier 4 Final construction equipment or better will be used during construction activities, this requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. The Construction Contractor shall provide a copy of each unit's certified Tier and/or engine specification to the City of Huntington Beach at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Construction Contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the City of Huntington Beach before using Tier 4 Interim emissions standards compliant construction equipment and/or other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, use of Tier 3 engines, reduction in the number and/or horsepower rating of construction equipment, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Construction Equip
Limitations/Monitoring
by City?

Additional Recommended Mitigation Measures

6. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. In the Air Quality Analysis, the Lead Agency estimated 104 lbs/day of NOx emissions during construction before the implementation of MM AQ-1, and 90 lbs/day of NOx emissions after the implementation of MM

AQ-1. To further reduce the Proposed Project's construction and operational emissions, SCAQMD staff recommends that the Lead Agency review and incorporate the following mitigation measures in the Final PEIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website¹².

Construction-Related Mitigation Measures

- a) **Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project.** All construction equipment and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- b) **Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes** or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.
- c) **Encourage construction contractors to apply for SCAQMD "SOON" funds.** The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at SCAQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.
- d) **Require the use of zero-emission or near-zero emission heavy-duty trucks during construction,** such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during construction commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.
- e) **Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles.** Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG

¹² South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends that the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

- f) **Maximize use of solar energy including solar panels;** installing the maximum possible number of solar energy arrays on the building roofs throughout the Proposed Project to generate solar energy for the respective building.

Operation-Related Mitigation Measures

- g) **Require the use of zero-emission or near-zero emission heavy-duty vendor trucks** that service the hotel during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 g/bhp-hr. At a minimum, require that operators of heavy-duty trucks during operation commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.
- h) Provide incentives for employees in order to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.
- i) Implement a rideshare program for employees and set a goal to achieve a certain participation rate over a period of time.
- j) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- k) Require use of electric or alternatively fueled sweepers with HEPA filters.
- l) Maximize the planting of trees in landscaping and parking lots.
- m) Use light colored paving and roofing materials.
- n) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- o) Use of water-based or low VOC cleaning products that go beyond the requirements under SCAQMD Rule 1113.

Compliance with SCAQMD Rules

- 7. **As stated above, the Proposed Project was historically used as a fuel oil storage facility containing three above-ground, 25 million-gallon tanks, as well as other oil-related facilities including pipelines and ancillary buildings¹³. While the Proposed Project site has been remediated, and in the event that during soil disturbance activities such as grading, petroleum hydrocarbons are encountered that may cause residual VOCs to become airborne, the Lead Agency should include a discussion to demonstrate compliance with SCAQMD Rule 1166 – Volatile Organic Compound Emissions from**

On-going Risk

¹³ DPEIR, Section 2.4.1. *Property History*. Page 2-15.

Decontamination of Soil¹⁴ and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants¹⁵ in the Air Quality Section of the Final PEIR.

Other Comment Regarding the Remedial Status of the Ascon Landfill

8. SCAQMD staff found multiple inconsistencies regarding the remedial status of the Ascon Landfill site in the DPEIR. For example, the Lead Agency identified the status of the Ascon Landfill site as “Planning” in Table 4-1¹⁶, then stated “the cleanup status of the ASCON Landfill is currently listed “active” on Envirostor”¹⁷, and that there would be future “remediation activities at Ascon Landfill to the north”¹⁸. Therefore, SCAQMD staff recommends that the Lead Agency provide additional information to clarify the remedial status consistently throughout the Final PEIR.

 Future Activity at Ascon?

¹⁴ South Coast Air Quality Management District. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

¹⁵ South Coast Air Quality Management District. Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

¹⁶ DPEIR. Table 4-1, *Approved And Pending Projects In The Cities Of Huntington Beach, Newport Beach, And Costa Mesa*, Page 4-6.

¹⁷ DPEIR. Section 4.7, *Hazards and Hazardous Materials*, Page 4.7-14.

¹⁸ DPEIR. Section 4.1.6, *Cumulative Impacts*, Page 4.1-22.

Inadequacy of Soil Gas Testing

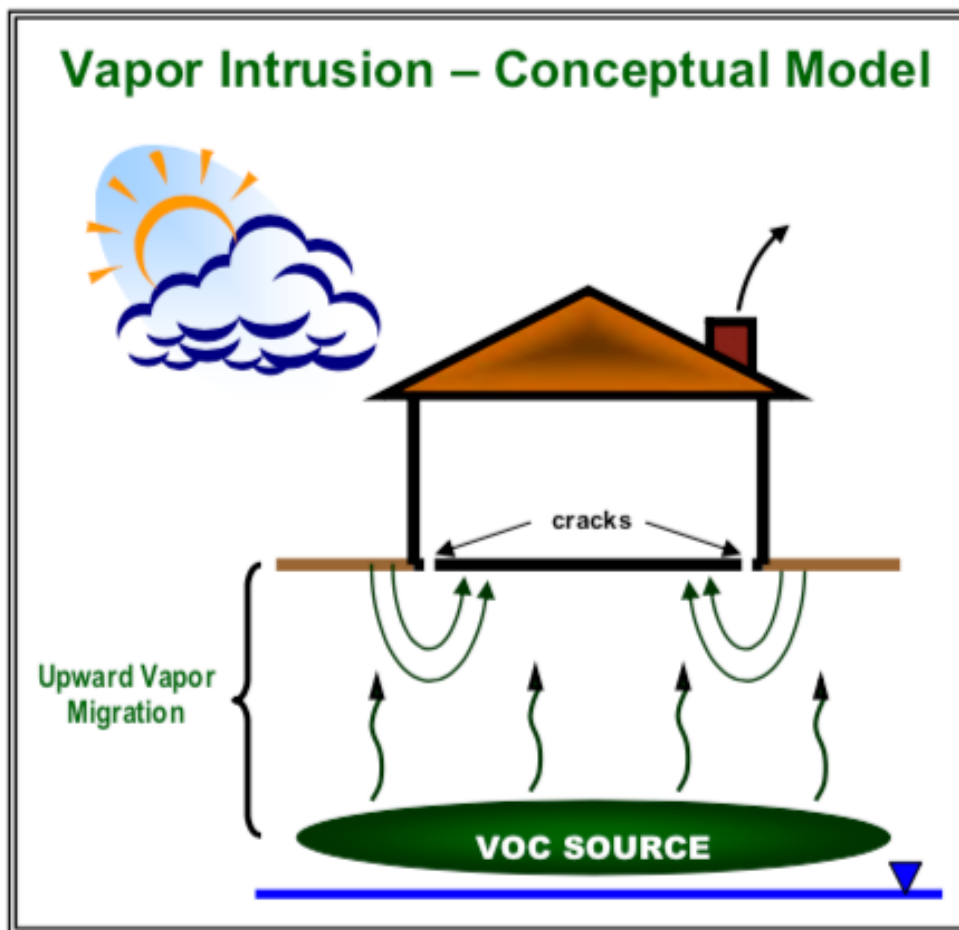


Diagram from cover page of DTSC "GUIDANCE FOR THE EVALUATION AND MITIGATION OF SUBSURFACE VAPOR INTRUSION TO INDOOR AIR"

- One of the MOST significant health risks associated with the petroleum contamination on land used planned for residential use is the migration of hazardous vapors into building structures, which poses a serious hazard to the occupants.
- The volatile organic compounds (VOCs) can build up beneath the foundations of the building, concentrate, and subsequently leak inside the interior.
- A full assessment of VOCs needs to be completed in areas of known contamination and planned development; this has not been done at this property.
- In Dec 2013, a total of 14 soil gas locations were tested, which showed multiple tests with VOCs exceeding regulatory screening levels including: *benzene*, *ethylbenzene*, *naphthalene*, *chloroform*, *1,3,5- trimethylbenzene*, *1,4-dichlorobenzene*, and *1,2,4-trichlorobenzene*.

- In 2016, a total of 8 soil gas locations were tested, **but ONLY for methane.**
- In both cases the test locations were **DID NOT INCLUDE** any tests under the location of the oil storage tanks themselves.
- A total of 23 soil gas locations have been sampled at the property; this is less than one per acre! The recommended (per HBFD) sampling on a grid basis (which would probably cost <\$60,000) has NOT been performed!

Total petroleum hydrocarbons (TPH) is a term used for any mixture of **hydrocarbons** that are found in **crude oil**. Chemicals that occur in TPH include **hexane**, **benzene**, **toluene**, **xylene**s, **naphthalene**, and **fluorene**, other constituents of **gasoline**, of **jet fuels**, of **mineral oils**, and of other petroleum products.^[1]

MAJOR ERROR Soil Gas Testing and Cancer Assessment

The use of a .001 attenuation factor in the vapor intrusion risk is **not appropriate for this site!**

2.1.3.8 VOCS IN SOIL GAS

Fourteen soil gas samples were collected on December 6, 2013 at a depth of approximately 3 feet bgs. The soil gas samples were analyzed for VOCs by USEPA Method TO-15 and for TPH as gasoline by USEPA Method TO-3. The VOCs that were detected in soil gas are provided in Table 3 of Appendix A and summarized in the following table. The preliminary screening levels used are from EPA Region 9 for ambient air and have been adjusted by a **residential attenuation factor of 0.001** to derive an equivalent soil gas concentration as outlined in DTSC's risk assessment screening guidance (DTSC 2017). TPH as gasoline was nondetect in all 14 soil gas samples analyzed.

Current 2015 EPA guidance and DTSC HERO Note #3 recommends an attenuation factor of **0.03, OVER AN ORDER OF MAGNITUDE OFF**

HHRA Note Number 3 – April 2019, DTSC-Modified Screening Levels
Page 12

and commercial/industrial exposure scenarios, and may be used for screening contaminants in indoor air. The air screening levels for volatile chemicals also have potential applications for screening soil gas data when used in concert with an appropriate attenuation factor as described in DTSC's 2011 *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (2011 VIG). DTSC-recommended default attenuation factors for preliminary screening evaluations can be found in Table 2 of DTSC's 2011 VIG. DTSC also **recommends that screening assessments evaluate the default attenuation factors of 0.03 for sub-slab soil gas and "near-source" exterior soil gas, released in 2015 by USEPA.**° For detailed recommendations on the vapor intrusion to indoor air pathway and evaluation of soil gas and indoor air data, please consult DTSC's 2011 VIG, or contact the DTSC site toxicologist to ensure appropriate use of air screening levels on a site-specific basis.

- The formula in question is used to **evaluate the CANCER RISK for the area**. This mistake would cause the risk to be severely understated. Obviously the **accuracy is absolutely CRITICAL**.

2018 Groundwater Leach - Monitoring Well Locations

- The groundwater presents an on-going potential source of toxic vapors that leach into the soil (become gas vapors)
- The three groundwater monitoring wells were NOT installed within the “down gradient” of the known areas of contamination!
- **None of the wells were installed in the areas of former tanks, oil wells, or piping**
- The groundwater **flows toward the northeast corner of the property**. **NO wells** were installed in this location!
- No consideration of **on-going contamination of the groundwater by the HB channel**, which is at the top of the groundwater flow, was considered! We cannot assume that water does not penetrate the concrete liner of the channel.
- The **Ascon toxic landfill** direction N of the MTF is known to have **spilled over into the HB channel numerous times**, especially after heavy rainfall.
- Other industrial sites, including AES and other industries upstream have been accounted for as potential sources for pollution of the groundwater at MTF.
- **The water in the channel is not being tested or monitored.**

Summary of Chemicals Detected in Groundwater					
Chemical	No. of Detections	Maximum Concentration	Sample with Maximum Concentration	Preliminary Screening Levels ¹	Source ¹
TPH-d (C13-22)	1	760 mg/l	GW-5	640 mg/l	RWQCB
Tert-butyl alcohol (TBA)	2	370 ug/l	GW-2	18,000 ug/l	RWQCB
Ethanol	1	370 ug/l	GW-5	NL	--
Bis(2-ethylhexyl) phthalate	2	23 ug/l	GW-4	32 ug/l	RWQCB

RWQCB = San Francisco Bay Screening Levels – Table F-1b. Groundwater Screening Levels (groundwater not a current or potential drinking water resource)

All of the groundwater samples were nondetect for PCBs, pesticides, including herbicides. Two of the groundwater samples had tert-butyl alcohol with a maximum concentration of 370 ug/l. One of the groundwater samples had an ethanol concentration of 370 ug/l. And two of the samples had minor concentrations of bis(2-ethylhexyl) phthalate at a maximum concentration of 23 ug/l. WGR Southwest, Inc. stated that they believed the occurrence of bis(2-ethylhexyl) phthalate was associated with the PVC used as the casing for the temporary groundwater well points. These concentrations were compared to screening levels established by the DTSC and San Francisco RWQCB.



PUBLIC HEALTH STATEMENT

TOTAL PETROLEUM HYDROCARBONS

Division of Toxicology

September 1999

1.5 HOW CAN TPH AFFECT MY BODY?

Health effects from exposure to TPH depend on many factors. These include the types of chemical compounds in the TPH, how long the exposure lasts, and the amount of the chemicals contacted. Very little is known about the toxicity of many TPH compounds. Until more information is available, information about health effects of TPH must be based on specific compounds or petroleum products that have been studied.

The compounds in different TPH fractions affect the body in different ways. Some of the TPH compounds, particularly the smaller compounds such as benzene, toluene, and xylene (which are present in gasoline), can affect the human central nervous system. If exposures are high enough, death can occur. Breathing toluene at concentrations greater than 100 parts per million (100 ppm) for more than several hours can cause fatigue, headache, nausea, and drowsiness. When exposure is stopped, the symptoms will go away. However, if someone is exposed for a long time, permanent damage to the central nervous system can occur. One TPH compound (n-hexane) can affect the central nervous system in a different way, causing a nerve disorder called "peripheral neuropathy" characterized by numbness in the feet and legs and, in severe cases, paralysis. This has occurred in workers exposed to 500–2,500 ppm of n-hexane in the air. Swallowing some petroleum products such as gasoline and kerosene causes irritation of the throat and stomach, central nervous system depression, difficulty breathing, and pneumonia from breathing liquid into the lungs. The compounds in some TPH fractions can also affect the blood, immune system, liver, spleen, kidneys, developing fetus, and lungs. Certain TPH

compounds can be irritating to the skin and eyes. Other TPH compounds, such as some mineral oils, are not very toxic and are used in foods.

To protect the public from the harmful effects of toxic chemicals and to find ways to treat people who have been harmed, scientists use many tests.

One way to see if a chemical will hurt people is to learn how the chemical is absorbed, used, and released by the body; for some chemicals, animal testing may be necessary. Animal testing may also be used to identify health effects such as cancer or birth defects. Without laboratory animals, scientists would lose a basic method to get information needed to make wise decisions to protect public health. Scientists have the responsibility to treat research animals with care and compassion. Laws today protect the welfare of research animals, and scientists must comply with strict animal care guidelines. Animal studies have shown effects on the lungs, central nervous system, liver, kidney, developing fetus, and reproductive system from exposure to TPH compounds, generally after breathing or swallowing the compounds.

One TPH compound (benzene) has been shown to cause cancer (leukemia) in people. The International Agency for Research on Cancer (IARC) has determined that benzene is carcinogenic to humans (Group 1 classification). Some other TPH compounds or petroleum products, such as benzo(a)pyrene and gasoline, are considered to be probably and possibly carcinogenic to humans (IARC Groups 2A and 2B, respectively) based on cancer studies in people and animals. Most of the other TPH compounds and products are considered not classifiable (Group 3) by IARC.

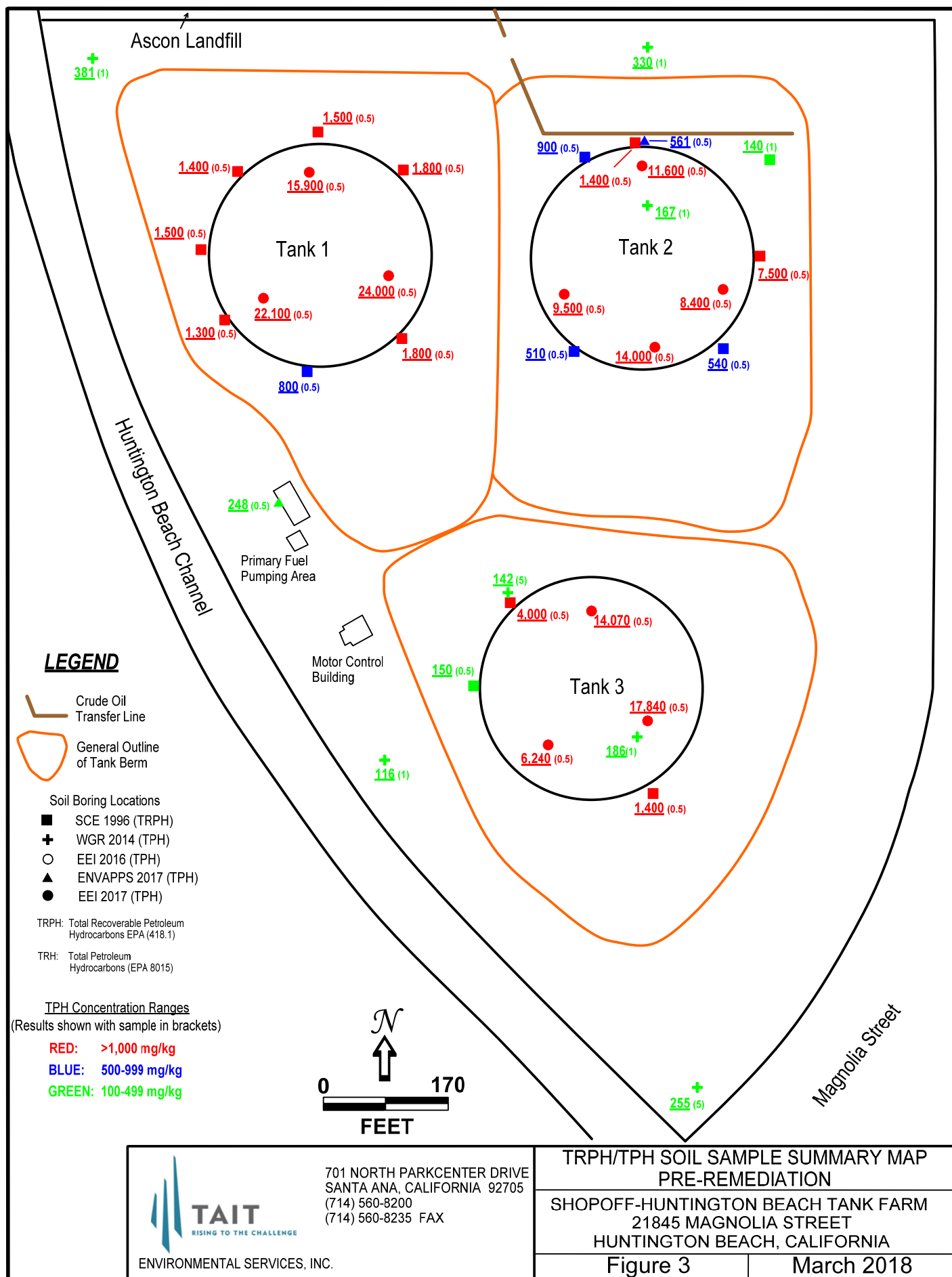
DEPARTMENT of HEALTH AND HUMAN SERVICES, Public Health Service
Agency for Toxic Substances and Disease Registry

www.atsdr.cdc.gov/

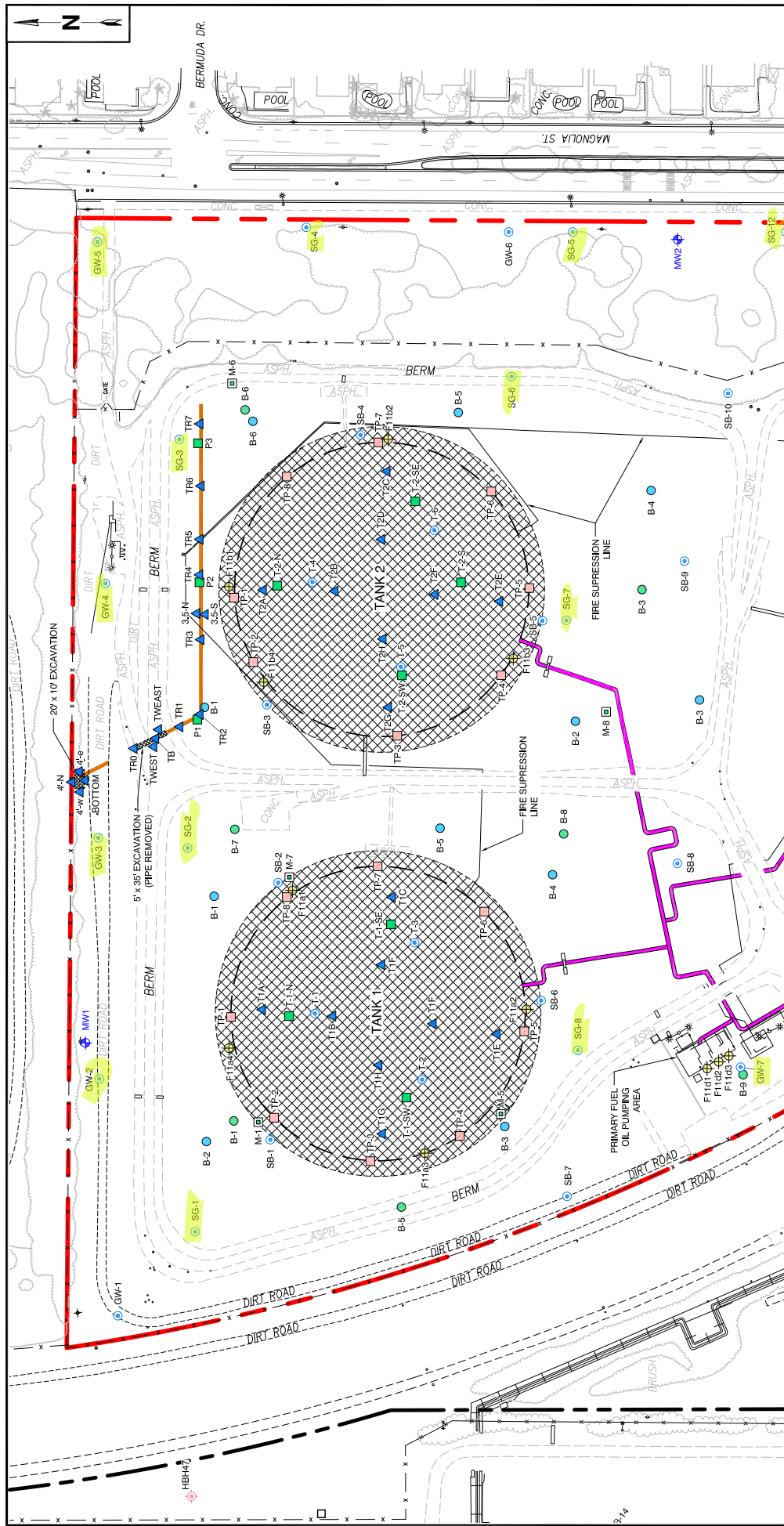
Telephone: 1-888-422-8737

Fax: 770-488-4178

E-Mail: atsdric@cdc.gov



RED CIRCLES under tanks show high concentrations of TPH in soil -- but these areas were never tested for soil gas or groundwater contaminants!



LEGEND

- T-2-N Soil Sample Location (EEL, 2017)
- T-2-H Soil Sample Location (WGR, 2017)
- MW-2 Proposed Groundwater Monitoring Well Location
- F110-d Soil Boring Location (EnVApps, 2016)
- B-6 Soil Boring Location (SCE, Feb 23, 1996)
- TP-6 Test Pit (SCE, Feb 23, 1996)
- B-10 Soil Boring Location (EEL, Jan 15, 2016)
- M-8 Soil Methane Sample (EEL, Feb 15, 2016)
- SB-1 Soil Sample Location (WGR, Dec 2013)
- T-1 Soil Sample Location (WGR, Dec 2013)
- GW-1 Groundwater Sample Location (WGR, Dec 2013)
- SG-1 Soil Gas Sample Location (WGR, Dec 2013)
- Former SCE HGS Property Boundary
- Shopoff Property Boundary
- Above Ground Fuel Oil Pipelines (Removed)
- Crude Oil Transfer Line (Removed)
- Approximate Remedial Excavation
- Former Above Ground Storage Tank

Note:
Date in parenthesis is date of report

ENVA APPS
Environmental Applications, Inc.

2130 Huntington Drive, Suite 300
South Pasadena, California 91030

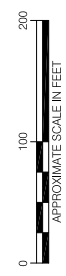
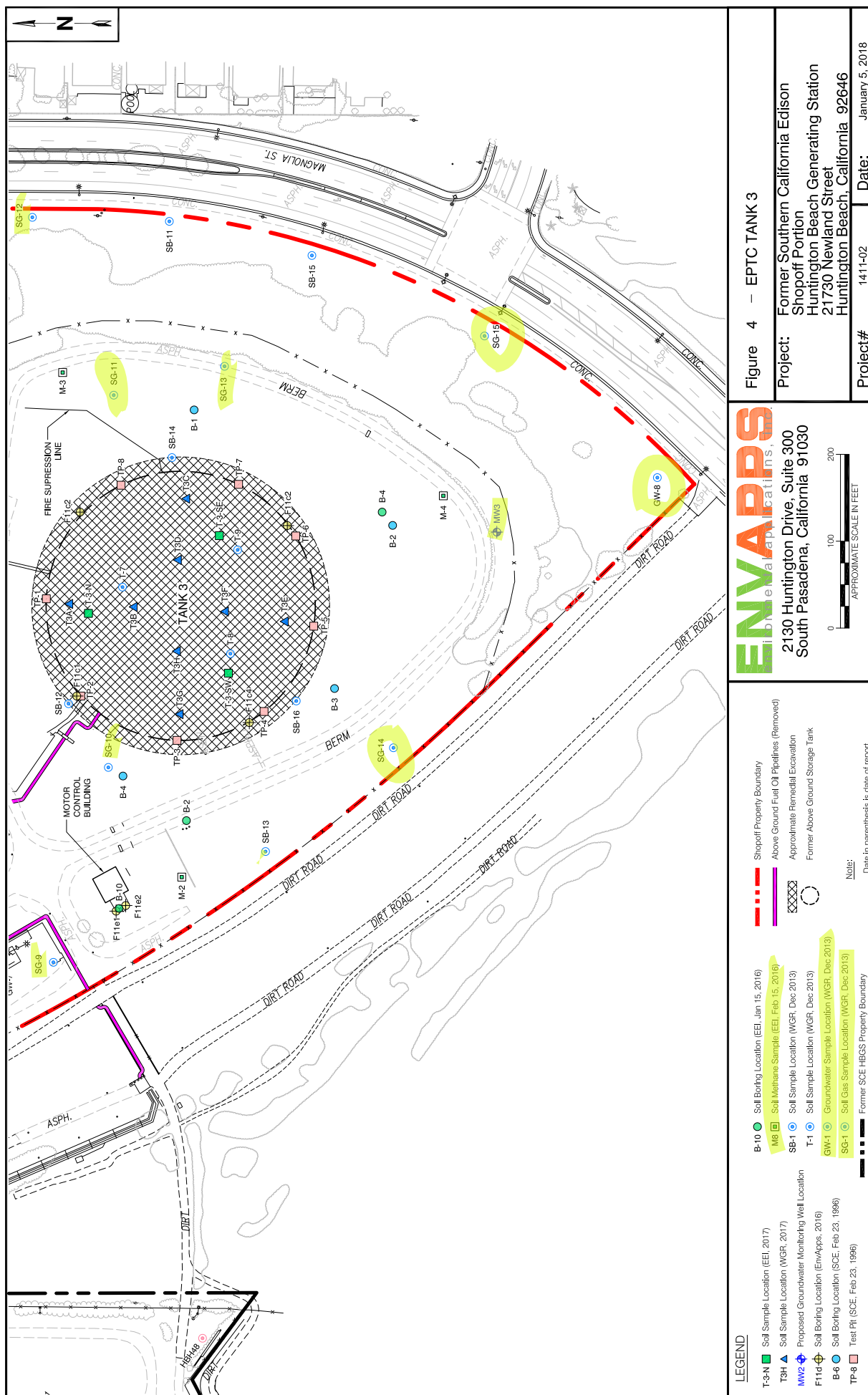


Figure 3 – EPTC TANKS 1 AND 2

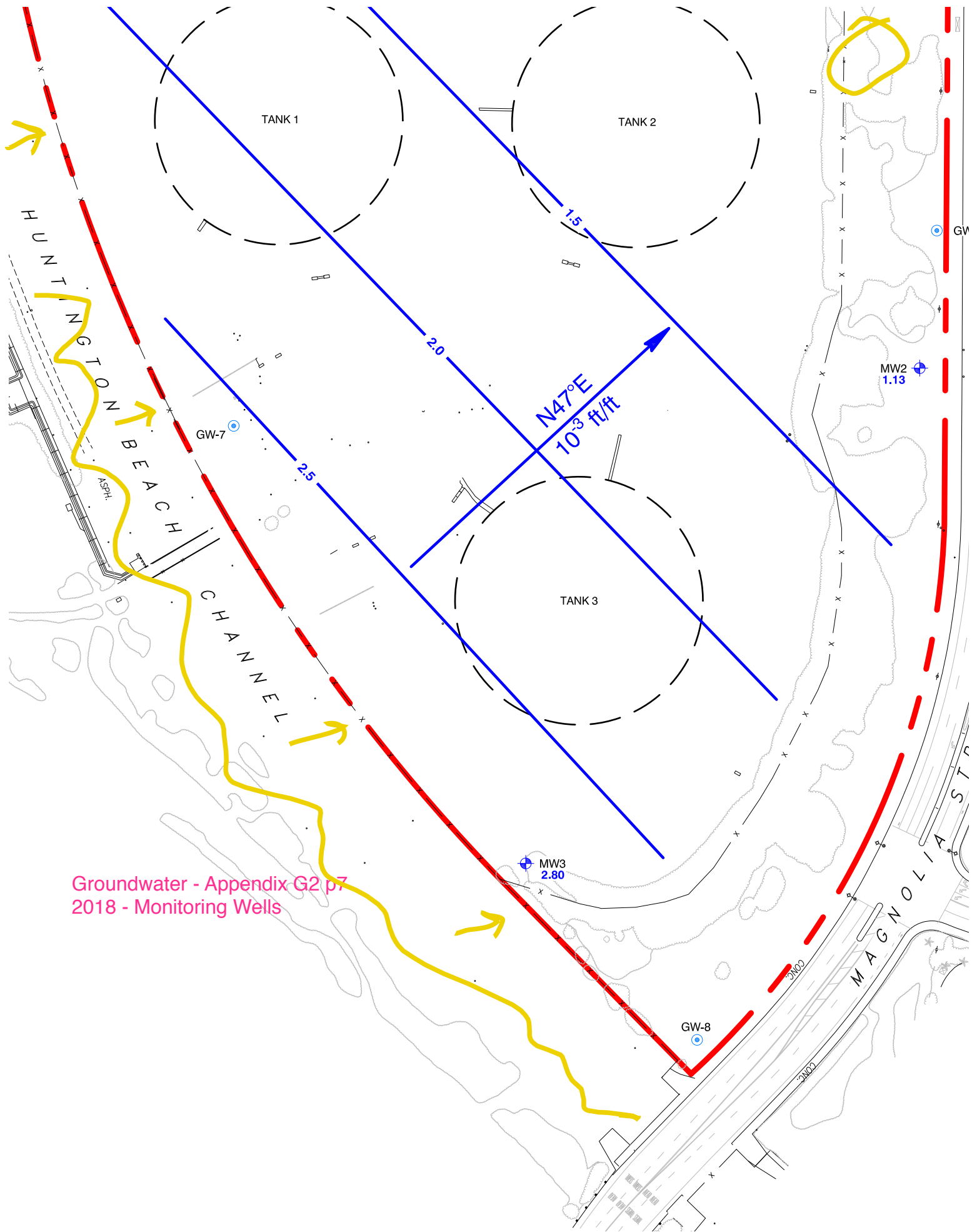
Project: Former Southern California Edison
Shopoff Portion
Huntington Beach Generating Station
21730 Newland Street
Huntington Beach, California 92646

Project# 1411-02 Date: January 5, 2018

These yellow highlighted areas are the only ones tested for soil gas or groundwater contamination



These yellow highlighted areas are the only ones tested for soil gas or groundwater contamination



Listen to the HBFD!

Valid concerns expressed by the HBFD have not been given adequate consideration.

Review of Existing Reports Magnolia Tank Farm Site 21845 & 22011 Magnolia Street Huntington Beach, California

The City of Huntington Beach Fire Department (HBFD) has reviewed the existing available reports of site investigations at 21845 & 22011 Magnolia Street in the City of Huntington Beach, California (the Site). The review was to determine if the Site is in compliance with the residential requirements of CS 429 and 431-92. The following documents were reviewed:

Phase II Site Assessment Plains Huntington Beach Terminal, 21845 & 22011 Magnolia Street Huntington Beach, CA (WGR, March 25, 2014).

Remedial Excavation Summary Report Aboveground Storage Tank (AST) T3, Plains Huntington Beach Terminal, 21845 & 22011 Magnolia Street Huntington Beach, CA. (WGR, May 26, 2017).

Remedial Excavation Summary Report Aboveground Storage Tanks (AST's) T1 and T2, Plains Huntington Beach Terminal 21845 & 22011 Magnolia Street Huntington Beach, CA (WGR, June 19, 2017).

Remedial Excavation Summary Report Crude Oil Transfer Lines Plains Huntington Beach Terminal 21845 & 22011 Magnolia Street Huntington Beach, CA, (WGR, June 19, 2017).

Fluid Migration Barrier Trench Installation Work Plan, Plains West Coast Terminals, LLC - Huntington Beach Terminal (WGR, June 8, 2017).

Human Health Risk Assessment Update for Huntington Beach Terminal Property for SLF-HB Magnolia, LLC (PlaceWorks, December 2017).

Data Review and Recommendations for Potential Residential Use of the Site

1. Data Gaps

The Human Health Risk Assessment Update (HHRA) for Huntington Beach Terminal Property for SLF-HB Magnolia, LLC, prepared by PlaceWorks (December 2017) was received on December 14, 2017. The HHRA has been prepared professionally and is complete; however, the data used in the HHRA are based on the limited investigations conducted at different times for different purposes, and not for the purpose of evaluating residential land use.

Apparently, the HHRA was prepared for a portion of the Site and not for the entire Site designated for residential use. It is not clear which area at the Site has been designated for residential development.

The Phase II site assessment was conducted to evaluate general soil and groundwater at the Site; there was no specific future development of the Site known at that time. Limited soil gas sampling was also conducted. The later investigations for the tank and piping removal covered demolition of the tanks and collection of confirmation soil samples within the footprints of the tanks. The future use of the Site following removal of the tanks was not known at the time of investigation; therefore, the soil sampling was limited to the interior of the tank footprints.

There is known soil and groundwater contamination north of the Site on the former Ascon Landfill property, which was used as a hazardous waste disposal facility from 1938 to 1984. Materials disposed at Ascon landfill included drilling muds and oilfield wastes (crude oil and tar), fuel oils, phenolic wastes, mercaptans, styrene, and synthetic rubber. In addition, chromic and sulfuric acids,

Data Gathering
Incomplete,
Random

aluminum slag, and magnesium and potassium chloride were reportedly deposited in the landfill (WGR, 2014). The Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination and Remedial Action Order (Docket No. I&SE-RAO 02/03-018) in 2003 for the Ascon Landfill. The groundwater on the Ascon property was found to be contaminated and non-aqueous phase liquid (NAPL) was detected at some locations in investigations conducted in December 2004 by Geosyntec. A remedial action plan (RAP) for the Ascon Landfill was approved by DTSC in June 2015, but the remediation has not yet been completed.

A limited soil excavation was conducted when a former crude oil transfer pipeline north of former Tank 2 was removed when crude oil was found to be migrating onto the tank farm from the Ascon Landfill. Soil with high gasoline range TPH (7,000 mg/kg) was found at 4 feet bgs, which was later excavated within an area about 10 feet by 20 feet to a depth of 6 feet bgs (WGR - June 19, 2017). WGR submitted a work plan in June 2017 to install a barrier trench at the north-end of the former tank farm, adjacent to the Ascon Landfill, to minimize the potential for crude oil present at the Ascon landfill from migrating onto the Site.

Fifteen soil gas probes were installed as part of the 2014 investigation where 14 soil gas samples were sampled at a depth of 3 feet bgs from the probes, except for SG-9 (WGR, 2014). TPH as gasoline only using method TO-3 were measured and found to be below the detection limit of 1.5 ppmv. VOCs were detected including benzene, toluene, ethyl-benzene and xylenes in 7 of the 14 soil gas samples by method TO-15. Additional VOCs were detected including chloroform, naphthalene, dichlorodifluoromethane (a.k.a. Freon 12), 1,2,4-TMB, 1,3,5-TMB, 2-butanone, 4-ethyltoluene, and trichlorofluoromethane. The three northern-most soil gas probes were not located close to the northern border of the Site to detect any influence of the Ascon Landfill.

The HHRA acknowledged that (see page 23) a pipeline extends from the Ascon property and may be a potential source of petroleum hydrocarbons at the Site.

Recommendation 1

Residential use of the site requires a full investigation with soil sampling on a grid basis across the entire former tank farm property (the Site) and evaluation of the potential for offsite contamination (i.e., from former Ascon Landfill) to migrate onto the site from neighboring properties. Use of the existing data is insufficient to prepare a Human Health Risk Assessment.

Sampling on a
Grid is required

2. The Lead Agency

The HHRA report states (Page 1) that "The HBGS requires site-wide closure under RCRA regulations overseen by the Department of Toxic Substances Control (DTSC) including a RCRA Feasibility Investigation (RFI)". The report identifies that "SCE entered into a Stipulated Judgment with Department of Toxic Substances Control. The Stipulated Judgment required SCE to be responsible for closure and corrective action at all of the facilities (State of California, 1995)". These statements show that DTSC is the lead agency for closure of the entire Huntington Beach Generating Station, and not as referred to on page 5 where the HHRA report stated that "The Compilation Report (Tait 2017) indicates that the Huntington Beach Fire Department (HBFD) is the lead oversight regulatory agency for the project."

Recommendation 2

Previous limited investigations of the 21845 Magnolia Street property has found both soil gas and groundwater contamination, therefore DTSC and potentially other agencies has the lead and must be involved. This Site has contamination beyond the limits of the HBFD jurisdiction. While HBFD has jurisdiction over the soil contamination at the Site, but because contamination in the groundwater and within the top 5 feet above the groundwater, as well as existence of contamination other than TPH at the Site, other regulatory agencies such as the Orange County Health Agency and/or the DTSC, and/or the Regional Water Quality Control Board shall have the lead and approve use of this property as residential.

Soil Gas and
Groundwater
remain concerns.
Other agencies
should review (i.e.,
SCAQMD)

HBFD has specifications that address soil (HB CS 431-92) and methane (HB CS 429), which must be met to obtain building permits. HB City Specification 431-92 requires that: "surface structures within 100 feet of the lateral extent of the contaminated soil shall be built with vapor barriers in accordance with applicable City Specifications." Detailed future building plans would be needed to evaluate compliance with this requirement.

3. Methane Testing

There were three former crude oil wells on the tank farm property owned by R. B. Watkins Operations. These wells (Deeble 3, Deeble 4 and Deeble 5) were abandoned in 1972 (WGR, June 19, 2017). In 2016 a methane gas survey was conducted at 8 locations from a depth of 4 feet bgs within the bermed areas of the three former tanks (EEI, 2016). Methane was detected in two samples and the highest methane concentration was given as 14 ppmv in the HHRA, but the data were not included so that the values could not be verified. The locations of the oil and gas wells were not shown on site maps provided in the HHRA, so it is not known how close the 2016 methane soil gas survey at 8 locations within the bermed areas of the three former tanks (EEI, 2016) were to the former oil wells.

Recommendation 3

City of Huntington Beach Specification 429 requires methane testing since the Site is within the Methane Overlay Districts of the City of Huntington Beach General Plan, per City Specification No. 429- Methane District Building Permit Requirements. Methane mitigation may also be required at a distance less than or equal to 1,000 feet from the refuse footprint of any existing or new landfill or disposal site as described in the California Code of Regulations (CCR) Title 27. The landfill or disposal site may be operating or closed, abandoned or inactive. Thus, further testing for the presence of methane gas is required along the northern border of the Site with the Ascon Landfill, and there are requirements for methane mitigation within 100 feet of abandoned oil and gas wells.

4. Former Oil Wells

As stated in the HHRA, three former oil producing wells were located on the Site that were drilled in 1955 and 1956 and abandoned in 1972. Before grading permits are issued, the permitting agency may need to implement the State of California Division of Oil, Gas, and Geothermal Resources (DOGGR) Construction Site Well Review Program and re abandon the wells to current standards. The numerous soil investigations that occurred at the Site did not target the locations of the three former oil wells.

Recommendation 4

The area of the former oil wells needs to be determined in comparison to planned future buildings on the Site and soil and soil gas sampling need to be conducted that are appropriate for the planned residential use of the Site.

5. Interim Use of the Site

The HHRA report stated (on page 18) that the Site is proposed (and is currently used as) for interim use as a staging area for new construction at the adjacent AES Steam Plant. The present uses of the Site and the specific building plans for the Site were not considered or evaluated in the HHRA.

Recommendation 5

The Site should be re-assessed for any potential contamination during the interim site use as staging area.

Gas Well locations
not on maps, not
targeted

Interim use of site
must be
considered

6. Review of HHRA

The HHRA indicates (Page 1) that for the 2017 RFI, 71 features of interest were identified at the HBGS; however, the HHRA only considers 5 features in the risk assessment. It would be prudent to evaluate the effect of the other 66 features, if any.

The HHRA indicates (Page 2) that a RCRA Facility Investigation Work Plan has been prepared for the former SCE Huntington Beach Generating Station that will include additional investigation on the Site (Environmental Applications, Inc., 2015). It is not clear if such investigation has been completed.

The HHRA compared the soil gas concentrations to the criteria from the State Water Resources Control Board (SWRCB) Low-Risk Closure Policy for sites with petroleum storage tank releases (SWRCB, 2012). This comparison is not appropriate for a residential site with exposure to indoor air. While the previous soil gas data were compared to the 2017 DTSC SLs or EPA RSLs for ambient air after using the appropriate attenuation factor of 0.001 for future residential uses as a preliminary screening evaluation, the potential risks were not evaluated for all detected chemicals for the indoor air pathway, in the HHRA.

The HHRA stated that permanent surface water bodies do not occur on or adjacent to the Site, so no surface water pathway was included. However, the Huntington Beach Drainage Channel bounds the Site to the south and west.

The HHRA updated a prior HHRA completed in 2016. Only TPH was evaluated in the soil. Other chemicals in soil that was not excavated were excluded if the concentrations were less than the preliminary screening levels. This is not the standard procedure used by DTSC for risk assessments.

Recommendation 6

Following a full evaluation of soil, soil gas, and groundwater to evaluate all potential risks to future residents on the Site, the HHRA needs to be updated using all the data representative of current conditions and following the DTSC-approved procedures.

7. Missing Reports

The HHRA report refers to the following documents that have not been submitted for review, therefore, the data used in the HHRA could not be verified.

Recommendation 7

It is recommended that in future submittals, the full data set be provided to the HBFD, including the following:

EEI, February 25, 2016, Site Investigation Report, 21845 Magnolia Street, Huntington Beach, California, prepared for Shopoff.

EEI, May 11, 2017, Results of Limited Soil Investigation, 21845 Magnolia Street, Huntington Beach, California, prepared for Shopoff.

EAI., February 15, 2017, RCRA Facility Investigation Report, Shopoff Realty Investments Portion of Former Southern California Edison Huntington Beach Generating Station, 21730 Newland Street, Huntington Beach, California 92646.

EAI, 2015. RCRA Facility Investigation Workplan, Former Southern California Edison Huntington Beach Generating Station. Prepared for Southern California Edison. April 13, 2015

Tait Environmental Services, Inc. 2017. Compilation Report of the Environmental Investigations Shopoff Site, SLFHB Magnolia, LLC. October 16, 2017.

The Shopoff responses to the HBFD issues have been not been at all adequate, ignoring some issues and providing meaningless responses to others, particularly with regarding to the need for more testing. Many responses are simply "will do".

APPROVING THIS SITE POSES AN UNACCEPTABLE RISK of LIABILITY for the city of Huntington Beach

- Approving a project in consideration of its conformity to existing zoning and plans, is one thing. **THIS IS SOMETHING ELSE ENTIRELY!**
- Approving this project requires a change to the **GENERAL PLAN**, adoption of a new **SPECIFIC PLAN**, and **REZONING**; all made only to accommodate **THIS SPECIFIC PROJECT**.
- There will be considerable on-going responsibility to support the recommended filtration and monitoring proposed by the SCAQMD.
- The city would need to be very involved in crafting the language of the disclosures to be made to future residents in order to protect itself.
- This project is nowhere near that completion status that would be required to approve it. Many important items are still on the “will do” list, and the city cannot rely on the DTSC alone.

APPROVING THIS SITE IS UNACCEPTABLE BURDEN ON EXISTING AND FUTURE RESIDENTS!

- The residents of SE Hunting Beach are already suffering greatly from the on-going effects of remediation at Ascon, as well as probable long-term effects from historical problems at Ascon as well as AES.
- PLUS construction at Poseidon will create additional construction problems AND the reverse osmosis process is expected to generate very high noise levels 43.0 dBA at a distance of approximately 1,000 feet!
- This new project will result in dust, release of addition VOCs, and noise including grading equipment, vehicles, and construction itself.
- PLUS, it is anticipated that three pile-drivers would operate simultaneously to create the underground parking area for the hotel.
- The construction will take place OVER A PERIOD OF 5 YEARS.

NO! THIS IS NOT THE TIME, THIS IS NOT THE PLACE, THE NEGATIVES FAR OUTWEIGH ANY POSITIVES!

Ramos, Ricky

From: James, Jane
Sent: Wednesday, August 28, 2019 10:30 AM
To: Ramos, Ricky
Subject: FW: Planning Commission Study Session 8/27/19

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Shammy Dingus <shammyd@mac.com>
Sent: Wednesday, August 28, 2019 9:53 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Grant, Michael <Michael.Grant@surfcity-hb.org>; Garcia, Pat <Pat.Garcia@surfcity-hb.org>; Kalmick, Dan <Dan.Kalmick@surfcity-hb.org>; bperkins@socal.rr.com; Scandura, John <john.scandura@surfcity-hb.org>; Mandic, Connie <Connie.Mandic@surfcity-hb.org>; Ray, Alan <Alan.Ray@surfcity-hb.org>
Subject: Planning Commission Study Session 8/27/19

Dear Commissioners,

I feel compelled to write this letter.

You were given a good deal of misinformation by the geologist who spoke last night. For example:

- he said the soil gas tests did not show VOCs exceeding toxic levels. But THEY DID,
- he said the groundwater tests did not show VOCs exceeding toxic levels. But THEY DID,
- he said the Human Health Risk Assessment used the most conservative values. BUT IT DID NOT. In fact, the calculation contained a major error, using an attenuation factor of **.001** when the EPA and DTSC rules specify a value of **.03**. The resulting HHRA calculation UNDERSTATED THE RISK FACTOR BY MORE THAN AN ORDER OF MAGNITUDE.

The true results of the soil gas and groundwater tests, that showed toxins in both, which exceed approved levels, can be found in pp 20-22 of Appendix G on the city website.

There are other serious problems with the EIR I did not have enough time to cover regarding the groundwater.

- The ground water is very shallow, only 6-8 ft., at some locations. Think about that with respect to the anticipated rise in sea level.
- Because it is so shallow it is likely an on-going contributor to the toxic soil gases.
- Based on the direction of the groundwater flow, which is E/NE, the contaminant source is likely the HB channel.
- The HB channel has an earthen bottom and there has been no investigation at all of the HB channel's toxicity or its contribution to the toxic VOCs in the groundwater of the MTF.
- Ascon, for example, has a history of overflowing into the channel during rains. The same may be true for AES and other upstream industrial sites.

There are reasons to suspect more misinformation in testimony to the council. The EIR project has relied on a revolving door of experts — including at the DTSC. And the regulatory framework has been mixed up, passed around, and confused.

One thing is VERY CLEAR. The EIR contains a whole lot of assumptions, calculations, and projections that were based on VERY LITTLE ACTUAL DATA.

I believe that it is completely inappropriate to move forward with any decision-making on the Magnolia Tank Farm in the near future. If this property is zoned for any form of residential use the city may face huge liabilities. And at this point the city has been warned repeatedly of the dangers of going forward.

Carolyn "Shammy" Dingus

shammyd@mac.com

808-778-4013

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Dayna Bellanca <dayna@maryspath.org>
Sent: Saturday, August 24, 2019 5:39 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Hello,

Please refuse any zoning change at the Magnolia Tank Farm which will potentially increase the toxic exposure to our already cumulative toxins from the Ascon landfill. Children have died and more are getting sick.

Thank you,
Dayna Bellanca

--

Dayna Bellanca, Parenting and Child Development Coordinator
Mary's Path

Dayna@MarysPath.org

714-730-0930 ext. 13
18221 E.17th Street
Santa Ana, CA 92705

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Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: The Proposed Shopoff Magnolia Tank Farm Project . . .

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Saturday, August 24, 2019 8:57 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>
Cc: Kiff, Dave <dave.kiff@surfcity-hb.org>; Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>; Gates, Michael <Michael.Gates@surfcity-hb.org>
Subject: The Proposed Shopoff Magnolia Tank Farm Project . . .

City Council Members and Planning Commissioners:

The developer of the Magnolia Tank Farm project is William Shopoff, or entities that he and/or his family controls (individually and collectively, "Shopoff").

Commencing in at least October 2006 and continuing at least until very recently Shopoff is alleged to have engaged in a laundry list of financial shenanigans and trickeries that, after extensive investigation, resulted in an Enforcement Complaint being filed by FINRA dated January 10, 2019. FINRA (Financial Industry Regulatory Authority) is the not-for-profit organization authorized by Congress to ensure compliance with, among other things, the Securities and Exchange Act of 1934, as amended.

FINRA alleges Shopoff engaged in FRAUD in the sale of various securities relating to investments in proposed real estate developments, all in violation of the Securities and Exchange Act.

Here are only some . . . repeat SOME . . . of the alleged violations of the Securities and Exchange Act, laid out in specific detail in the FINRA complaint:

- From December 2010 through March 2017, Shopoff fraudulently sold nearly \$12.6 million of promissory note investments ("Notes") to at least 29 investors;
- From December 2010 through March 2017 Shopoff failed to disclose that some investment proceeds would actually be transferred to William Shopoff and his personal trust to pay his and his wife's personal expenses;
- From December 2010 through March 2017, Shopoff failed to disclose that some investment proceeds would be used to repay investors in previous Notes (a classic Ponzi scheme) ;
- From December 2010 through March 2017, although William Shopoff and his wife personally guaranteed the investments, Shopoff failed to disclose to the investors that the Shopoffs' assets were largely illiquid;

- From August 2014 through August 2016, Shopoff massively inflated his and his wife's cash assets in a financial statement given to a third-party due diligence provider assessing the Shopoffs' financial wherewithal;
- In October 2006 Shopoff caused to be prepared a certain Private Placement Memorandum ("PPM") that offered for sale interests in certain real estate developments; the PPM contained misrepresentations and omissions of facts material to investors; and
- In March 2014 Shopoff caused funds to be transferred from real estate trusts into his personal bank account in order to artificially and falsely inflate the appearance of his liquid net worth in anticipation of Private Placement Offerings.

And Mr. Shopoff was doing this while, at the same time, he was schmoozing and in discussions with our City representatives, including elected officials, about his proposed project.

Is this someone our City should be doing business with while these very serious accusations of Federal law violations are pending?

I encourage you to read the detailed specifics of the complaint at:

http://www.finra.org/sites/default/files/fda_documents/2016048393501%20Shopoff%20Securities%2C%20Inc.%20BD%20142866%20William%20A.%20Shopoff%20CRD%201273471%20Stephen%20R.%20Shopoff%20CRD%205276325%20Complaint%20sl.pdf

Thank you.

Gino J. Bruno
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: 19-902 Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: K Carroll <kcrissie7@gmail.com>
Sent: Monday, August 26, 2019 8:03 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: 19-902 Magnolia Tank Farm

Dear Planning Commission Members:

I am writing to oppose 19-902 Magnolia Tank Farm. This development will cause continue health hazards to the residents of Huntington Beach because of the toxic soil. The obvious additional reasons are increased traffic and accidents to the surrounding areas including increased congestion to PCH which is already over it's capacity and the water table. Our resources are over taxed and the resident's quality of life will greatly be impacted by this project. Please vote no on this project.

Thank you.

Kris Carroll

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: Shopoff Magnolia Tank Farm Project EIR Deny Vote NO

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: larry mcneely <lmwater@yahoo.com>
Sent: Friday, August 23, 2019 11:03 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Shopoff Magnolia Tank Farm Project EIR Deny Vote NO

Like many in the community I have read the Shopoff EIR which is quite a long document. This EIR has made many points that would give every reason to Deny this project. I am sure that those of you that have actually read it will agree. The one worry that I do have is a commissioner who would approve this because all the eyes (i) are dotted and the Ts crossed would give reason for approval. I must say the Most Important aspect of this review is that its not asking to go over a plan that is allowed, it is asking you to change approved zoning change the General Plan and to make exceptions with a Specific Plan. Based on the facts of these requests this project now falls into the category of Public Approval and Public Benefit which should override all support for a private investors profits motives over the will of the community. So To Be Clear I Ask that this Project Be Denied NO ON SHOPOFF

Thank You fro Your Consideration
Larry Mc Neely

PS. If your running for office listen to the Voters not the Developers they don't vote in our community.

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:55 AM
To: Ramos, Ricky
Subject: FW: Please. No more Air Quality stressors near Edison and Eader!

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Friday, August 23, 2019 3:27 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Please. No more Air Quality stressors near Edison and Eader!

Dear Planning Commissioners,
Please read this newly released study on the implications of air quality on the developing brains of children; and the risk already experienced by our children in Southeast Huntington Beach.

We implore you to refuse any zoning changes on the Magnolia Tank Farm, in light of the risk of serious mental illness due to the accumulated air quality issues we already experience.

https://www.medscape.com/viewarticle/917128?fbclid=IwAR1DdbgaFrtq7bnzSkeqG04VuW-VAYauvfu2tTce3QYBhxcrYHbEyK58z_8



[Air Pollution Linked to Psychiatric Illness](https://www.medscape.com/viewarticle/917128?fbclid=IwAR1DdbgaFrtq7bnzSkeqG04VuW-VAYauvfu2tTce3QYBhxcrYHbEyK58z_8)

New research has uncovered a strong link between air pollution exposure and an increase in the prevalence of psychiatric disorders, especially bipolar disorder.

www.medscape.com

Thank you,
Les and Sharon Messick

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 29, 2019 8:13 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Foad J <jahansf01@gmail.com>
Sent: Wednesday, August 28, 2019 9:31 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Dear Commissioners,

I am a resident of south east Huntington Beach. I reside on Christine Drive, approximately 600 yards from the tank farm. I am writing to ask you to oppose any re-zoning or development at the tank farm until further testing of the soil is accomplished. During the last few months the ASCON land fill has been undergoing remediation. It has come to a standstill due to high air levels of toxic substances and the discovery of more toxins than previously known. Pit F at the ASCON site contains styrene and is separated from the tank farm by a mere chain link fence. We should not repeat the mistakes made at ASCON earlier this year and subject the residents and children attending the two nearby schools to unacceptable air quality of toxins as measured by AQMD.

Should the planning commission decide to allow development, I strongly urge you to consider the use of this land. The current proposal of a "hostel" like hotel and retail space is inconsistent with the surrounding area. Likewise the high density single family residences proposed will only increase traffic around the schools and PCH. Parking along Magnolia and Banning is already restricted; further development will force residents and guests to park in the adjoining neighborhoods, my neighborhood. I did not see any parking allotted for the "nature center" proposed in the plans nor did it appear there is adequate parking for guests in the proposed development.

My neighborhood has already been impacted by the ASCON cleanup and the AES construction over the past several months. Please consider the environmental issues already known and unknown regarding the tank farm. ASCON will never be completely clean. At present, do we know if the tank farm can be completely clean?

Maureen Connolly

Ramos, Ricky

From: James, Jane
Sent: Tuesday, August 27, 2019 4:39 PM
To: Ramos, Ricky
Subject: FW: PC review of the Magnolia Tank Farm Aug 2019

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: M Dardis <mdardis@verizon.net>
Sent: Tuesday, August 27, 2019 4:29 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: mdardis@verizon.net
Subject: PC review of the Magnolia Tank Farm Aug 2019

Distinguished HB Planning Commissioners;
Just have several questions concerning the Magnolia Tank Farm

1. How come the HB paid EIR report did not take into consideration Santa Ana Wind Conditions. The wind will be blowing off the ASCON TOXIC DUMP SITE right into the front doors of the potential Homes being built and into the Shopoff Chalet Hotel including the Dining room and the food preparation area.
2. We demand core samples 10 meters down and then an explanation what chemicals were found by a highly independent toxic waste chemical lab. The state and city labs are unacceptable. Core samples to be taken every 100 meters from each other. There is no way you can approve this site for Housing let alone for a Chalet Hotel owing to the present and future conditions of the ASCON TOXIC DUMP site.

I remember in the 1970's and 1980's tankers being driven uphill and dumping their liquid loads behind the man made hill. In addition we would like to see the remnants of the IH bulldozer that was used and I believe sunk in one of the lagoons.

Please consider the seriousness of this EMail and take it into consideration by voting NO on the development of this site until we have complete clarification of what is in the soil and the suitable means for removing the TOXIC WASTE. .

Milt Dardis
SEHB resident
714 968 3409

Ramos, Ricky

From: James, Jane
Sent: Thursday, August 22, 2019 11:30 AM
To: Ramos, Ricky
Subject: FW: Tank Farm.

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mrdi <mrdi2003@yahoo.com>
Sent: Thursday, August 22, 2019 8:59 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Tank Farm.

Building on the Tank Farm Site and exposing all of the future residents to the contaminants that are present will result in lawsuits from which the City will never recover.

Mrdi

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:57 AM
To: Ramos, Ricky
Subject: FW: HB Home owner

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mrdi <mrdi2003@yahoo.com>
Sent: Saturday, August 24, 2019 9:06 AM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: HB Home owner

PLEASE REFUSE any zoning change at the Magnolia Tank Farm which will potentially increase toxic exposure to our children and adult residents .

Ramos, Ricky

From: James, Jane
Sent: Wednesday, August 21, 2019 4:25 PM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Wednesday, August 21, 2019 4:21 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Mayor, City Council Members and Planning Commissioners,

I am asking that you delay approving the development of the Magnolia Tank Farm property. I am not asking you to completely deny any development in the future, just delay it until a competent and certified "grid" sampling has been performed at the tank farm site. This grid sampling should be performed both before and after the remediation of the ASCON Superfund site and indicate any hazardous to human health contamination levels are at or below the OSHA and the EPA/DTSC acceptable levels for residential buildings.

Thank you for your consideration regarding this matter.

Steve Farnsworth
HB Resident

Ramos, Ricky

From: James, Jane
Sent: Monday, August 26, 2019 7:58 AM
To: Ramos, Ricky
Subject: FW: ASCON Site

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tracy MG <t_mg@yahoo.com>
Sent: Saturday, August 24, 2019 10:04 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: ASCON Site

To whom it may concern:

As a resident with children who lives in SE Huntington Beach I implore you go REFUSE any zoning change at the Magnolia Tank Farm which will potentially increase toxic exposure to our already cumulative toxins from Ascon and AES!!

How can you ignore the residents of this city and create such an incredible hazard for us! This is a travesty and I am blown away at the lack of respect for those of us who live here and want to put our trust into local government to keep us out of harms way.

Please keep our citizens and our city safe!!

Tracy Gohl
HB Resident

Sent from my iPhone

August 30, 2019



Ricky Ramos, Senior Planner
City of Huntington Beach
Community Development Department
2000 Main Street
Huntington Beach, CA 92648
rmos@surfcity-hb.org

AES Southland
690 North Studebaker Road
Long Beach, CA 90803
tel 562 493 7891
fax 562 493 7320

RE: Magnolia Tank Farm Project

Dear Mr. Ramos,

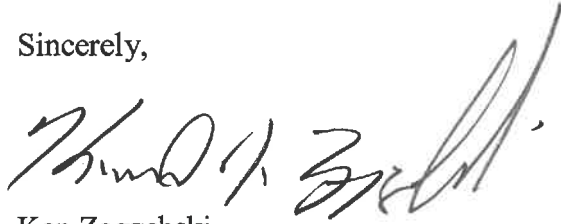
AES Huntington Beach Energy, LLC (“AES”) is the owner of the Huntington Beach Energy Project (“HBEP”), an 644 megawatt natural-gas fired power plant located at 21730 Newland Street, that is currently nearing the end of the first phase of construction. The HBEP is a critical source of electrical generating capacity needed to ensure electrical reliability in southern California. The HBEP has been designed to be consistent and compliant with the conclusions and Conditions of Certification of the California Energy Commission’s Final Decision adopted April 12, 2017. The CEC’s Final Decision determined “that the proposed amended Huntington Beach Energy Project (“Amended Project”) will, as mitigated, have no significant impacts on the environment and will comply with all applicable laws, ordinances, regulations, and standards (“LORS”),” and found that “Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.” AES continues to work to the conditions of certification as outlined by the California Energy Commission in the November 2014 Application for Certification. These numerous conditions apply to both construction and long-term operation and are found in the referenced AFC in section 6.4.

AES understands that the City of Huntington Beach (“City”) is considering amending the land use designations set forth in the General Plan, Zoning Map, Zoning Test, and Local Coastal Program Amendment for the Magnolia Tank Farm Project (“MTFP”) site, which is located adjacent to the HBEP, including the establishment of a Specific Plan for the site. AES appreciates that the draft Specific Plan discusses and recognizes the historical and existing industrial uses of the MTFP site and surrounding areas. AES is confident the City has the regulations, processes and resources in place for evaluating and approving all development projects for the benefit of all residents and businesses, including AES and the HBEP.

AES is a proud member of the Huntington Beach community and supports redevelopment opportunities that will provide long-term benefits to all. Such opportunities that are respectful of existing land uses and businesses offer a win-win scenario for the community.

Please do not hesitate to contact me or Weikko Wirta at 202-476-9156, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Zagzebski". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Ken Zagzebski
President – AES Southland Energy

ⁱ Commission Adoption Order, Order No. 17-0412-2 TN-216990, 4-12-2017; Revised Final Decision (SUPERSEDES TN 217462) TN-217788, 5-37-2017.

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=12-AFC-02C>

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:36 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Lucy Kaliski <lucykaliski@gmail.com>
Sent: Saturday, August 31, 2019 2:22 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm

Planning Commission members:

We presently have two huge pollution issues occurring simultaneously in South east HB, (ascon and aes) Both Ascon and AES will be remediated for the next three years MINIMUM, with air quality data already exceeding SCAQMD limits of 50 mq (Eader Elementary shows ranges in the higher 50's to 60's) and thats without much activity at Ascon currently. Its a toxic air nightmare for us and cannot be tolerated. Our children are getting sick, they are growing and incorporating all these toxic substances into their precious little bodies. What kind of long term illnesses will they have as adult? Will they even survive to lead normal lives!

The proposals for another hotel and/or million dollar stack and pack homes will only inundate the traffic issues on Hamilton and Victoria and PCH as well as Hamilton and Magnolia. You are destroying our beautiful beaches our lifestyles! We don't have infrastructure in place or resources (water) to support this in the area.

What are the rules regarding living next to a toxic waste dump? Specifically Pit F which is a STYRENE PIT. AND There ARE NO SAFE LIMITS FOR STYRENE EXPOSURE.

The safety and health of the residents must be protected and we should really heed the lessons of the past, and not keep making the same mistakes as our forefathers.

Ascon and Tank Farm are historically one plot of land, uses were an Airport from 1945-1955 An oil sump dump, and concrete and roofing materials containing asbestos waste dump. Previous citations and rules were changed for the responsible parties to make the land safe but have failed over the years because of the SEVERITY OF THE CHEMICALS THAT WERE DUMPED. I remember when Ascon first tried to clean up this site over 30 years ago, they found it impossible.

Now, there have been three additional pits discovered that weren't even reported as being cleaned just COVERED WITH DIRT that have styrene and

benzene and other chemicals super carcinogenic and these pits butt right up to the Tank Farm chain link fence. These chemicals were found on Tank Farm land and Ascon, so the chemicals have MIGRATED.

To build on Tank Farm is to encourage and undermine the the ongoing remediation at Ascon. This horror needs to stop! At least, until we can ascertain how to CLEAN ASCON WITHOUT POISONING THE RESIDENTS. To open up Tank Farm soil is to open Pandora Box. We just did that with Ascon we should know better now and make the same mistake.

Please consider long term effects, not just the immediate economic values.

Thank you for taking the time to read this.....keep our

children safe and consider the future of Huntington Beach and its residents.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:37 AM
To: Ramos, Ricky
Subject: FW: Clean up Ascon --protect the residents

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Mark Dixon <ncsmt2014@gmail.com>
Sent: Friday, August 30, 2019 9:10 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Clean up Ascon --protect the residents

Dear Commissioners:

I am writing to urge you to reconsider the configuration of the Magnolia Tank Farm development.

There are so many reasons to hold off, including:

Ascon remediation has been suspended because at present it cannot be done without risk to the population;
Traffic congestion at the intersections of Magnolia/Hamilton, Banning/Magnolia and PCH/Magnolia is already heavy, with regular traffic accidents at those intersections;
Toxic drilling chemicals have migrated from the original storage areas and place the water table at risk;
Previous meager efforts to make the land habitable have failed and it is still a dangerous area, not ready for development.

I am asking you to:

Obtain and certify a current EIR for the Magnolia Tank Farm area;
Upgrade the zoning and enter into a land use covenant with the MTF;

Disallow any excavation or digging without a new assessment from a third party technical advisor that can coordinate the EIR findings and deem them acceptable.

Please - protect the public and manage this land effectively.

Respectfully,

Mark W. Dixon
21612 Bahama Lane
Huntington Beach CA 92646
714 394-0075

Ramos, Ricky

From: Oscar Uranga <oscarturanga@gmail.com>
Sent: Tuesday, September 17, 2019 9:44 AM
To: Ramos, Ricky
Subject: Magnolia Tank Farm

Mr. Ramos,

My name is Oscar Uranga and I live at 9881 Star Drive.

I am writing you because I **support** the development of the Magnolia Tank Farm site.

It is important that we, as a City, invite reinvestment into our community. I am a firm believer that we have over-regulated development to the point of a gross undersupply and a housing crisis. That said, we should hold all development to a high standard which honors our community. HB has obviously struggled to comply with Housing Element laws. The new RHNA numbers will be published early next year and I expect that all cities will struggle to comply. This is an opportunity to deliver market rate and affordable units which are needed. We should always remember to balance community goals, protection of environmental resources AND property rights (not easy, I know).

The community has made it clear that we do NOT support high-density development. To that end, I give credit to the applicant in proposing medium density housing. I would buy one.

I don't particularly care for the hotel as it drives the grades up for the accommodation of sub-t parking, etc but I also understand that Coastal Commission will want some visitor serving uses. There is precedence in the City for providing a park, maintained by the private HOA but open to the community. This is a better model. Otherwise, I suggest you consider a true sub-t garage that doesn't require massive amounts of import which is environmentally impactful (traffic, etc) and also creates a development that is out of character with its surroundings.

The site is challenging and should be designed with care and respect for its adjacencies including the wetlands and Ascon. If it is possible, I recommend a native trail along the flood control channel that ultimately connects with Edison Community Park and serves as a buffer between development and sensitive resources. Bolsa Chica is a great example of a well thought edge condition. This increases mobility and provides access to open spaces that are otherwise inaccessible. The City should assist in influencing other agencies to allow this to occur.

We should all continue to be concerned and show vigilance about Ascon to ensure that they clean up their mess so that the entire community is safe from harm. My two boys will attend Edison someday. Please push them to clean up their mess!

Thank you for your consideration in this matter.

Best,
Oscar Uranga
9881 Star Drive
Huntington Beach, CA 92646

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 10:42 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Robyn Sladek <robynsladek@gmail.com>
Sent: Tuesday, September 10, 2019 3:57 PM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Helloi, I'm a 48 year resident of HB. I grew up living near the Ascon Dump and I know how TOXIC that property is. The Tank Farm is NO DIFFERENT!

These properties are twin sisters, that have been separated by a chain link fence! Just because these sister properties are separated by the fence, doesn't mean that they have different DNA. These sister properties have the SAME SOIL and WATER....and it's HIGHLY CONTAMINATED! You cannot have one property that is Toxic as HELL, and the other be Safe for Human occupancy...
I think that the Tank Farm development would be done at the expense of our communitys HEALTH and SAFETY, just like ASCON!!

Mr. Shopoff is wanting to build residential housing and a small hotel on this property... KNOWING that it is on top of HIGHLY TOXIC soil and water. He is acting with disregarding to human life by, ignoring previous reports that the land was unsuitable to build. The fact that he was charged with FRAUD should throw up a red flag! He is known for withholding information....makes me wonder about our city council too!
The history of this property goes way back.. I've found NUMEROUS reports that state the Tank Farm and ASCON can NEVER BE COMPLETELY CLEANED UP. In the preliminary WATER quality management plan for the Tank Farm dated Jan 23, 2018... it has a list with "Pollutants of Concern" on the list is:

suspended solids/sedements
Heavy metals
Pathogens
Pesticides
Oil and grease
Toxic organic compounds
Trash and debris
All of these were marked; "Expect to be of concern"

Just a few things found in the groundwater at the Tank Farm property that exceeded the DWS limits.;

Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Lead
Mercury
Nickel
Zinc... just to name a few.... again public record.

During the Preliminary Geotechnical investigation it states that groundwater water was encountered at 5-7 feet at the Tank Farm. The Tank Farm project discharges into the HB channel. The HB channel discharges into the Talbert channel which is downstream of the project which then goes into the Pacific Ocean at the Huntington State Beach.

How you can justify Mr. Shopoff BUILDING ON THIS LAND AS ACCEPTABLE?

IS THIS city IS SO desperate for revenue, that it will turn a blind eye to a DECADES long problem? This city is NEGLIGANT and violating of our civil rights!! We are not going away, were only gaining momentum.

The Tank Farm Property should NEVER BE REZONED OR ALLOWED TO BE BUILT ON.....PERIOD!
We don't need another ASCON Problem in our Community! ENOUGH IS ENOUGH!

Thank you,
Robyn Sladek

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 10:39 AM
To: Ramos, Ricky
Subject: FW: Magnolia Tank Farm project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sandy Layman <soccersam3@verizon.net>
Sent: Tuesday, September 10, 2019 4:41 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: Magnolia Tank Farm project

Dear Planning Commission:

I have written before, stating my objections to the development of the Magnolia Tank Farm Property for the mixed use purpose of a hotel, private residences and commercial ventures. My concerns about the degradation of air and noise quality, inappropriate and unsafe for residences especially, as well as the surrounding existing neighborhoods, from the adjacent Ascon Land Fill and AES, have only become heightened by the public safety failure we have experienced with the aborted attempt to clean up Ascon. I am even more alarmed by the discovery of Pit F, a styrene pit, and others, that were not even included in the plans for the Ascon cleanup. The Ascon plan had supposedly been approved for safety and proved to be woefully inadequate...to date they have been unable to remediate the land safely. The scary thing was that it took the residents raising an alarm, calling various agencies over and over and insisting that someone with authority take them seriously before ANYTHING of substance was done. And now we're embarking on a similar pot holed path with the property right next to it, that originally was together with Ascon as one plot of land that was dumped on, land that does not fit the Land Use of the neighborhood, that will significantly increase the traffic issues that already exist for Hamilton, Magnolia, Victoria and PCH. Do we really believe that Ascon's toxic chemicals have not migrated and leached into the Magnolia Tank Farm land that abuts it? And until it is seen whether the toxic land at Ascon can be remediated safely AT ALL seems completely irresponsible to move forward on ANY approval of MTF development. New assessments, by qualified objective third party companies that have no vested interest in the outcome seems crucial. An EIR with STRINGENT criteria, corroborated by someone who doesn't have skin in the game is the least our planning commission can require to keep not only existing HB citizens safe, but also any future residents should that land ever be built on. And addressing future concerns, sea level rise should also be part of the conversation, lawsuits against our city down the road from folks who believed that land was safe because YOU approved the building and then develop serious illnesses related to the toxic slurries abutting their property should be part of the conversation. Please DO NOT LET MONEY and short term gains be the driving forces in making these decisions. Please serve your citizens well...that's what we elected you to do and no less than every one of us deserves.

Sincerely,
Sandy Layman
21122 Poston Lane
Huntington Beach

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:09 AM
To: Ramos, Ricky
Subject: FW: Good to meet you - and concerns about groundwater flow during proposed Magnolia Tank Farm development
Attachments: MTFPiledriving100ftdamage.jpg; ASCONTPITOUTLINES.jpg; shoppoff .jpeg

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Sharon M. <marmiejoe@msn.com>
Sent: Thursday, September 12, 2019 2:40 PM
To: Raymond Hiemstra <raymondhiemstra@gmail.com>; ray@coastkeeper.org
Cc: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>; Grant.Cope@calepa.ca.gov; Grant Cope, DTSC <grant.cope@dtsc.ca.gov>
Subject: Good to meet you - and concerns about groundwater flow during proposed Magnolia Tank Farm development

Sharon M. has shared OneDrive files with you. To view them, click the links below.



[Draft-EIR 2.pdf](#)



[Ascon_Interim_GW_Report_Sept2018_CD.pdf](#)



[Draft-EIR--Appendix-G-1-Compilation-Report-of-Environmental-Investigations 3.pdf](#)

Good afternoon Ray,
It was so nice meeting you at the R4RD event last weekend!

I am reaching out to you in concern for the proposed development of a 3-story lodge, medium density homes and retail space at Magnolia Tank Farm, which is adjacent to the Ascon Landfill, as well as adjacent to the wetlands and Huntington Beach channel. (Please see attached EIR clip, EIR and EIR Appendix G)

My team and I attended a recent study session with the HB Planning Commission on Tuesday night, 9/10 and some issues surfaced that I believe require your attention.

First of all, the proposed lodge will require extensive pile driving, as well as underground work to install the system framework for such a project.

Several concerns arise in relation to this as the pumping of very shallow groundwater, which generally flows to the north towards Ascon Landfill, will potentially and likely be reversed during construction and as piles are driven approximately 30 ft in depth. In addition, noise/vibration mitigation for the pile driving is now suggesting "alternative" methods that require pumping of the groundwater. This could reverse the flow of groundwater towards the wetlands, from Ascon Landfill, in a more permanent situation.

The change in overall underground status, by itself, risks changing the groundwater direction from north to south - bringing Ascon's toxic groundwater into the direction and area of the wetlands.

A similar issue is being faced in Playa Del Rey - where a large development project is planned adjacent to contaminated groundwater from a dry cleaners.

https://argonautnews.com/toxic-trouble-in-playa-del-rey/?fbclid=IwAR00_nNmcp86wXceHVI4SlfeVX9AyaWrumKETO70TGSN4IKDoz-BOfqNp3A

As is extensively documented and agreed upon by Ascon Landfill, and the DTSC, the groundwater beneath this chemical dump is highly contaminated with a large variety of VOCs and heavy metals.
(Please see attached Interim GW report)

Secondly, the vibration caused by the pile driving is extensive and extremely dangerous to the toxic pits circled in red on the diagram uploaded. These toxic pits were those that received all of the styrene, industrial wastes and chemicals, known and unknown from 1938 until the early 1970s. These chemical pits will NOT be remediated under the current plan, with the exception of a partial removal of pit F. There is documentation that these pits may be as deep as 80 ft. These pits are unlined and we have no extensive deep ground investigation as to what recent earthquakes may have done to change their status. (Please see attached Ascon Pit Outlines)

As you can see, we are very concerned and vigorously lobbying the Planning Commission and City Council, as well as Assemblywoman Cottie Petrie Norris and Congressman Harley Rouda to protect our community, wetlands and waters from destruction should this ill-planned and unsuitable project of Shopoff Realty Investments move forward.

Currently, zoning restrictions for the Magnolia Tank Farm allow for only Public/Semi-public use. But this developer is demanding for change in zoning restrictions.

I also uploaded our current informational flyer, which I gave you last Saturday.

We would so appreciate any input or advocacy in protecting the people, wildlife and waters for Huntington Beach in this regard. And we are grateful for all the work you do!

Regards,
Sharon Messick
Huntington Beach Landfill Awareness Project
909.636.6277

TABLE 1-1
SUMMARY OF POTENTIAL IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Project Impacts	Mitigation Program	Level of Significance After Mitigation
		MM NOI-4 Final Acoustical Report. Prior to issuance of building permits, the Project Applicant/Developer shall submit a Final Acoustical Report, prepared by a qualified acoustical consultant, to the City of Huntington Beach. The Building Official, or designee, shall verify that the Final Acoustical Report demonstrates that all exterior private living areas comply with the City’s exterior noise level standard and that all residences with exterior façades, including all bedrooms and living rooms, comply with the City’s interior noise standard. Noise reduction techniques that may be incorporated into construction plans in order to reduce interior noise levels include, but are not limited to, incorporation of upgraded windows and doors, improved wall construction, or reduced window and door sizes should oversized windows and door be originally designed. Additionally, the Final Acoustical Report shall assess all potential off-site noise impacts associated with on-site operations to insure compliance with the City’s Noise Ordinance criteria for off-site sensitive land uses.	
Threshold 4.10-2 Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<p>With typical construction activities, the closest adjacent uses would not be exposed to excessive groundborne vibration or groundborne noise levels, utilizing the FTA vibration standards. In the CV Zone, the proposed Project may require pile driving activities. The vibration levels at the closest off-site residence would be below the FTA threshold for potential damage to buildings; however, it would exceed the threshold associated with potential annoyance to the surrounding uses. MM NOI-3 (vibration control plan) would reduce construction vibration impacts to the greatest extent feasible. However, for the proposed Project, it cannot be stated with certainty that the vibration impacts would be reduced to less than the 72 VdB threshold associated with annoyance; therefore, this may be a significant unavoidable impact and no additional mitigation is available for the proposed Project.</p> <p>The proposed Project’s operational impacts associated with excessive groundborne vibration or groundborne noise levels would be less than significant because none of the uses proposed would result in activities that would generate groundborne vibration or noise. Alternative 1 would only use typical construction practices and no pile driving is proposed. Impacts associated with exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels during construction and operational vibration would be less than significant.</p>	<p>MM NOI-3 Construction Vibration. The results of the construction vibration analysis indicate that vibration damage could occur at structures within 100 feet of pile driving activities. Therefore, once final plans for pile driving have been completed, should any structures be located within 100 feet of the perimeter of pile driving, a vibration control plan shall be developed by the project applicant and approved by the City Community Development Department prior to issuance of building permits. The plan shall be implemented before, during, and after pile driving activity. The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the Vibration Damage Criteria presented in Table 4.10-9. The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures.</p> <p>When the final schedule of pile driving activities has been determined, all sensitive receptors within 500 feet of pile driving activities shall be notified of dates in which these activities would take place.</p> <p>No additional mitigation is available (proposed Project).</p> <p>No mitigation is required (Alternative 1).</p>	Significant and Unavoidable (proposed Project) Less Than Significant (Alternative 1)
Threshold 4.10-3 Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<p>In both the existing and buildout year scenarios, traffic-generated under the proposed Project and Alternative 1 would result in limited noise level increases along roadway segments in the project vicinity. The permanent increase in ambient noise levels in the project vicinity would be barely perceptible to the human ear and impacts would be less than significant for the proposed Project or Alternative 1.</p>	No mitigation is required.	Less Than Significant

Hamilton Avenue

H

A

B

Lagoon 4

Lagoon 5

Lagoon 3

Lagoon 2

Lagoon 1

F

E

C

D

G

Magnolia Street



IS THE TIME!

9/10/19

6pm

(see address below)

FACT: Magnolia Tank Farm, (21845 Magnolia Street) **WAS:**

- one property/one owner with Ascon land
- host to oil, gas production wells, refuse pit, HB Airport, storage tanks
- flooded and contaminated with toxic chemicals

FACT: Magnolia Tank Farm **IS:**

- separated only by a chainlink fence from Toxic Ascon Dump
- just feet from toxic chemical pits C, D, G, E, F which contain styrene, benzene and a host of known and unknown poisons as well as AES Power Plant
- continually flooded with toxic Ascon runoff and chemical vapors
- in need of more soil gas testing using a grid for the entire property
- known to share Ascon's most toxic, cancer-causing, dangerous chemicals, including Dibenz(a,h)anthracene and Benzo(a)pyrene
.....
- located in flood, earthquake, liquefaction and methane-releasing zones
- currently zoned appropriately only for Public use. **DO NOT REZONE!!!**

FACT: Without YOUR VOICE, Magnolia Tank Farm WILL BE:

- adding significant air toxins to Edison High and Eader Elementary Schools
.....
- a developer's dream to build medium-density houses and 3-story hotel
- requiring over 3000 steel/concrete poles (pilings) to be hammered 30 ft down
- causing vibrations and stress to the neighboring toxic landfill unlined pits
- placing health risks on current and future residents while placing our city government at risk for billion-dollar litigation in damages and loss of life.

①**Show Up: Bring your voice:**

TUES. 9/10/19 @ 6pm

2000 Main St., HB (City Council Chambers)

②**Speak Up: Email HB Planning Commission and City Council**

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:17 AM
To: Ramos, Ricky
Subject: FW:

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Tara Waters <tarabarton1111@gmail.com>
Sent: Monday, September 16, 2019 5:28 PM
To: HBUHSD <marmiejoe@msn.com>; HBUHSD <Alexander.Gonzalez@mail.house.gov>; Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>; Perez, Claudia <Claudia.perez@asm.ca.gov>; Gregg Haulk <Ghaulk@hbcasd.us>; Cope, Grant@DTSC <Grant.Cope@dtsc.ca.gov>; fire.department@surfcity-hb.org; OHE@cdph.ca.gov; board@hbcasd.us; boardoftrustees@hbuhsd.edu
Subject:

Greetings,

We are reaching out to you in concern for the proposed development of a 3-story lodge, medium density homes, and retail space to be located at Magnolia Tank Farm (adjacent to the Ascon Superfund Landfill, Huntington Beach Wetland,s and Huntington Beach channel).

Our team attended a recent study session with the HB Planning Commission on 9/10/19 and some issues surfaced that I believe require your attention as public health and wellbeing continue to be threatened in this community. The ASCON remediation is currently halted due to DTSC enforcement of mandatory community protection from toxin exposure. The addition of the Magnolia Tank Farm (MTF) proposed project puts the community of SE Huntington Beach at increased risk for additional and accumulative physical, mental, emotional, psychological, and health risks.

Specific to MTF...Several major concerns have surfaced. Four zoning changes would need to be approved in order to accommodate the proposal. This land is not appropriate for the proposed development and the community is against the zoning changes. The soil, ground water, and air contain toxins from the lands prior uses and the adjacent Superfund landfill. Disturbing this property imposes major risks. For example, the proposed lodge will require extensive pile driving, as well as underground work to install the system framework.. Pumping of very shallow groundwater, which generally flows to the north towards Ascon Landfill, will potentially and likely be reversed during construction as piles are driven approximately 30 ft in depth. This puts the current surrounding residents, future MTF residents, and the HB Wetlands at risk for toxin intrusion from ASCON via groundwater. It is extensively documented and agreed upon by Ascon Landfill, and the DTSC, the groundwater beneath this chemical dump is highly contaminated with a large variety of VOCs and heavy metals. In addition, potential noise/vibration mitigation for the

pile driving is now suggesting "alternative" methods that require pumping of the groundwater. This could reverse the flow of groundwater towards the wetlands, from Ascon Landfill, in a more permanent situation. The vibrations in themselves may cause the clay/silt protective barrier to crack or break allowing additional seepage and movement of toxins from MTF and ASCON property to other surrounding areas. A similar issue is being faced in Playa Del Rey - where a large development project is planned adjacent to contaminated groundwater from a dry cleaners (https://argonautnews.com/toxic-trouble-in-playa-del-rey/?fbclid=IwAR0O_nNmcp86wXceHVI4SlfeVX9AyaWrumKETO70TGSN4IKDoz-BOfqNp3A).

Secondly, the vibration caused by the pile driving is extensive and extremely dangerous to the toxic pits located in the landfill. These toxic pits were those that received all of the styrene, industrial wastes and chemicals, known and unknown from 1938 until the early 1970s. These chemical pits will NOT be remediated under the current plan, with the exception of a partial removal of pit F. There is documentation that these pits may be as deep as 80 ft. These pits are unlined and we have no extensive deep ground investigation as to what recent earthquakes may have done to change their status. Lastly, MTF and ASCON are located next to Edison High School and Eader Elementary. Loud pile driving and exposure to dust and toxic plumes is not conducive to a safe learning environment.

Attached is the latest slide presentation that was presented to the Huntington Beach Planning Commission on 9/10/19. You will find the correlating speech in the note section of each slide and you may view the attached videos in "notes view" as well. The slides and speeches summarize just a few concerns of the community regarding this project and describes gaps in the project's Draft EIR. As you can see, we are very concerned and vigorously lobbying the Planning Commission and City Council, as well as Assemblywoman Cottie Petrie Norris and Congressman Harley Rouda to protect our community, wetlands and waters from destruction should this ill-planned and unsuitable project of Shopoff Realty Investments move forward.

We would so appreciate any input or advocacy in protecting the people, wildlife and waters for Huntington Beach in this regard.

Regards,

Tara B

 PC-9_10_19-3.pptx ✕

arton & Sharon Messick

Huntington Beach Landfill Awareness Project

Planning Commission

Magnolia Tank Farm

September 10, 2019

Air Quality

Results of DTSC Screening of Air Quality Indicate No Threat to Public Health in the Community.



- Wind: primarily toward NNE.
- Dust (particulate matter as PM10): Personal DataRam.
Action level: 50 microgram per cubic meter (ug/m³) PM10 above background (per SCAQMD Rules 403 and 1466).
- Volatile organic compounds (VOCs): MultiRae Pro.
Action levels (per SCAQMD Rule 1150/1166 permit):
➢ 500 parts per billion (ppb) → more mitigation measures
➢ 5,000 ppb → stop excavation

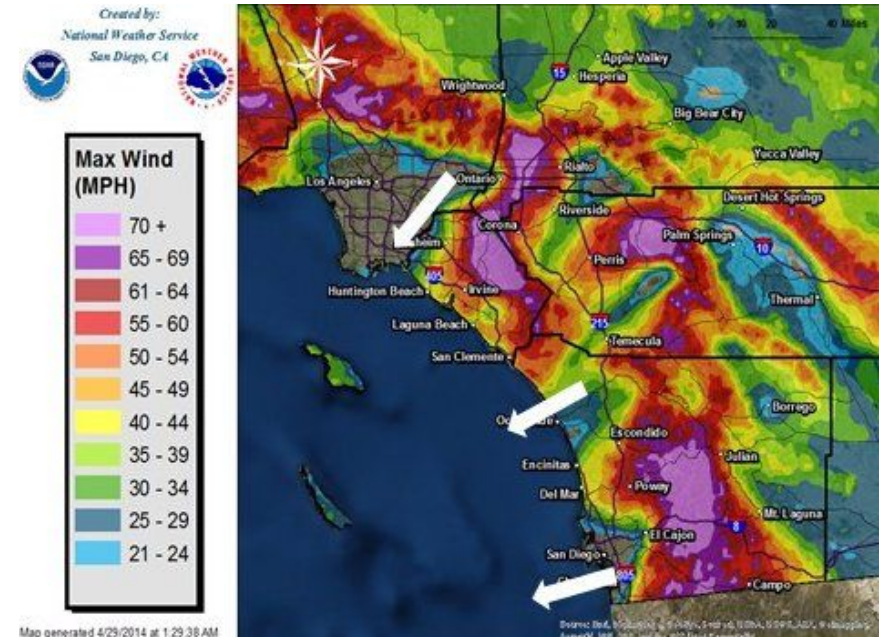
DTSC screening of air quality in the community does not identify any threat to public health.



- Wind: primarily toward NE.
- Dust (particulate matter as PM10): Personal DataRam.
Action level: 50 microgram per cubic meter (ug/m³) PM10 above background (per SCAQMD Rules 403 and 1466).
- Volatile organic compounds (VOCs): MultiRae Pro.
Action levels (per SCAQMD Rule 1150/1166 permit):
➢ 500 parts per billion (ppb) → more mitigation measures
➢ 5,000 ppb → stop excavation

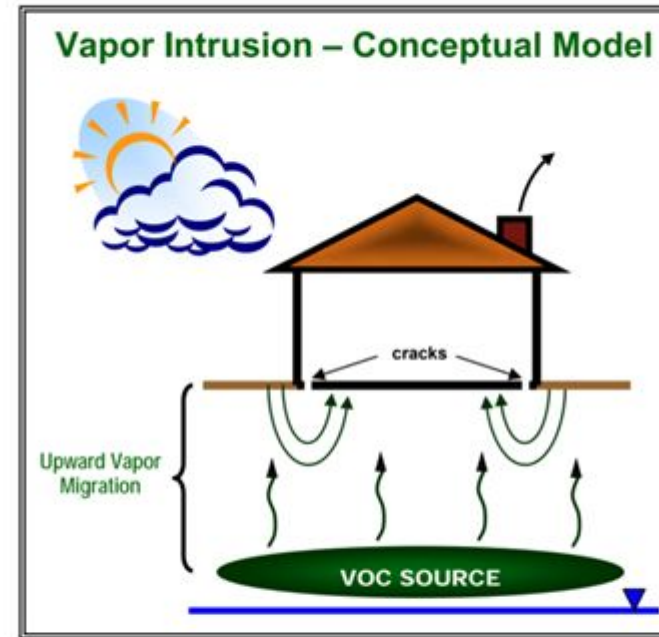


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s\IMG_0942.TRIM



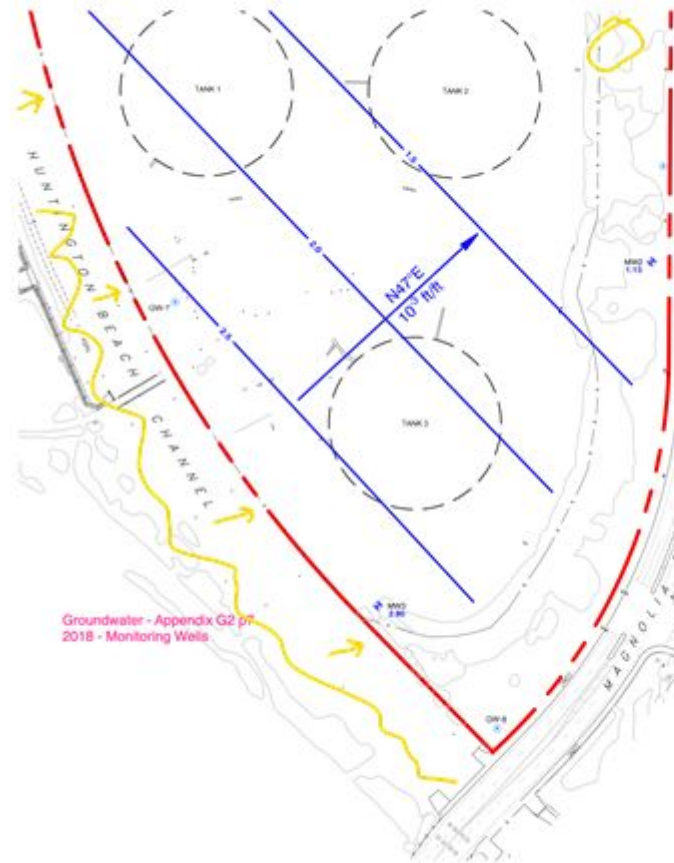
Ground Water

EIR IS **UNACCEPTABLE**



Inadequate Data
Missing Considerations
Errors in Calculations

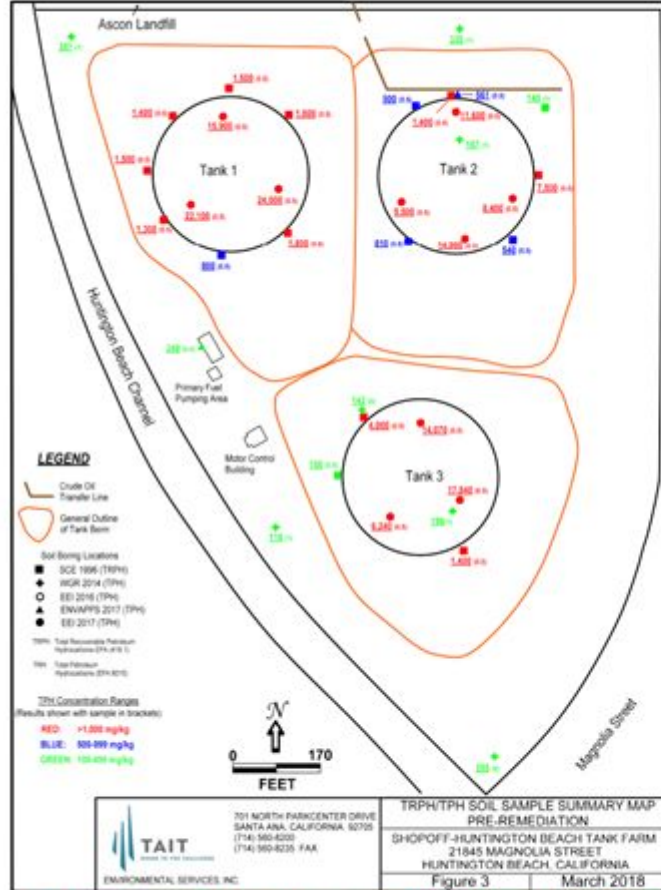
Ground Water



Groundwater Flow:
from HB channel
toward NE corner

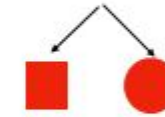
- ✓ Groundwater only 6 ft deep!
- ✓ Contamination from the channel?

Ground Water & Soil Gas



RED CIRCLES under tanks show high concentrations of TPH in soil -- but these areas were never tested for soil gas or groundwater contaminants!

RED POINTS



is where soil samples
were taken

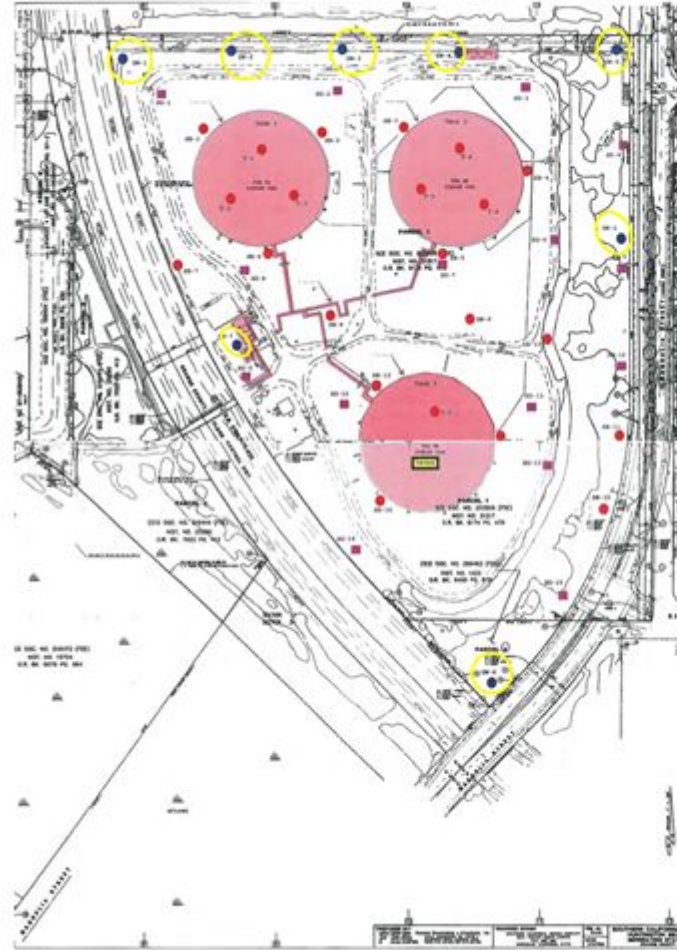


Worst Contamination
(under the tanks)



Where groundwater and the soil gas
WAS NOT TESTED

Ground Water



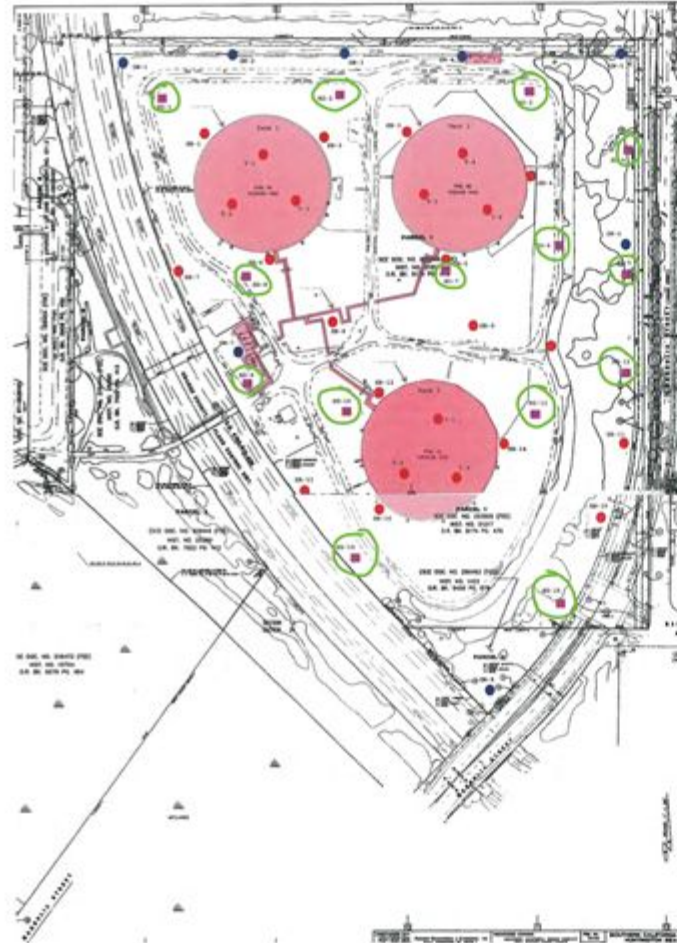
Where the
groundwater was
sampled:
8 tests in 2013

tests: 1 per 4 acres



Sampled **ONLY AT**
THE PERIPHERY!

Soil Gas



Where the
SOIL GAS
was sampled:
15 tests in 2013

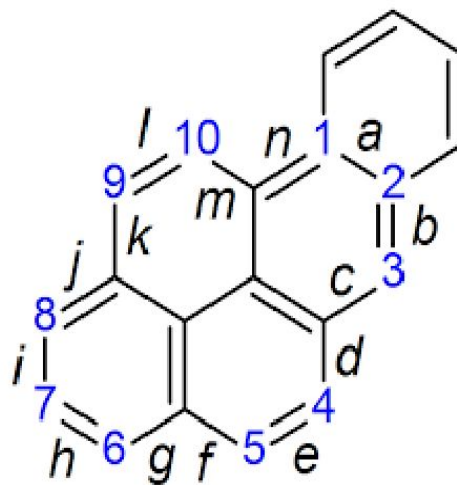
tests: 1 per 2 acre

- ✓ SAMPLED ONLY AT THE PERIPHERY
- ✓ NO SAMPLES TAKEN UNDER THE TANKS!
- ✓ ATTENUATION FACTOR ERROR (.001 vs .03)
- ✓ SAMPLES ONLY 3 ft. DEEP)

Soil Testing

Benzo(a)pyrene

Discovered in Magnolia Tank Farm soil at
ABOVE RESIDENT RISK BASED LEVELS!



Why Should We Care?

Cancer-causing

by ALL Routes of Exposure
inhalation, skin, ingestion, prenatal
even after exposure
of only 3 weeks!

head and neck ~ oral cavity ~ larynx ~ pharynx
esophageal ~ breast ~ lung ~ liver ~ pancreatic
stomach ~ bladder ~ kidney ~ colorectal
non-Hodgkin's lymphoma



Soil Testing

Birth Defects

and Adverse Pregnancy Outcomes

- early miscarriage
- reduced birth weight
- reduced body weight and height for preschoolers
- reduced head circumference
- neurobehavioral effects
- decreased fertility
- skeletal malformations in the skull and vertebral column
- embryonic cytotoxicity and genotoxicity
- decreased motor area development
- fetus may be 10-fold more susceptible to DNA damage than the mother who is exposed
- Data supports preventive policies to limit Benzo(a)pyrene exposure to pregnant women and children
- Developing fetus is more susceptible than the mother to carcinogenic effects of Benzo(a)pyrene
- Male infertility



Childhood Developmental Toxin

- Decreases motor, language, social and overall average Developmental Quotient
- Depresses cognitive development

Mutagenic

- Chromosomal aberrations
- Single chromatid breaks
- Forms covalent adducts to DNA
- Mutations in the K-RAS oncogene
- Stem cell mutations
- Depressed mitotic rates in the retina and brain
- Bladder cancer risk associated with increasing chromosomal damage

Other Disease

- Alzheimer's Disease
- Chronic obstructive lung disease (COPD)
- Cerebrovascular disease
- Myocardial infarction (Heart attack)

Soil Testing

Where does Benzo(a)pyrene come from and How did it get in Magnolia Tank Farm?

- Smoke from forest fires
- **Industrial Processes** - was it dumped into adjoining toxic pits C, D, G, or E and is leaching and will continue to leach as these pits are not going to be remediated?
- Vehicle exhaust
- Cigarette Smoke
- **Burning of fuel** (petroleum products) - did the historical use of oil burning at the AES plant, thus the need for tanks of oil fuel on the tank farm, contaminate the Magnolia Tank Farm soil?
- Aluminum production
- Chimney sweeping
- Coal gasification
- Coal-tar distillation
- Coke production
- Iron and steel founding
- Paving and roofing with coal tar pitch - was there paving, roofing or coal tar pitch dumped at Magnolia Tank Farm?



Site Vicinity and Features Map, Page 12/25

Soil Testing

Too Many Questions

Too Many Risks

Not Enough Due Diligence on the part of the Magnolia Tank Farm and this EIR to answer VITAL questions:

1. Where did this toxin come from?

-Because people cannot live on or near it.

2. How much toxins exist?

-Because no grid soil gas or soil tests have been performed.

3. Who will be responsible to thoroughly and HONESTLY examine, and mitigate this contaminated property?

-Because lives are at stake.

- **This EIR is incomplete and fraught with danger.**
- **This EIR suggests rezoning this contaminated land - called The Devil's Triangle by locals - and will endanger pregnant women, children and families**
- **This EIR suggests a project that will increase toxic air to existing children, schools and residents.**

Pile Driving



IMG_1082.MOV

- **Loud Noise is a Nuisance to the Community**
- **Loud Noise Will Hinder Optimal Learning Environment**
 - **Eader Elementary is .58 miles from MTF**
 - **Edison High School is .44 miles from MTF**
- **Strong Vibrations May Impact Protective Clay/Silt Layer**
 - **Toxin migration**
 - **Ground water contamination**

Data Gaps, Concerns & Considerations

- Land contamination
- Cross contamination of air, soil, and water from ASCON
- Asbestos and Lead contamination from tank removal
- Unconfirmed source of total Petroleum Hydrocarbons found above recommended limits in the soil at Tank Farm in 2013 and 2016
- Human and Ecological Risk Office concerns with the methodology and conclusions of the RFI Report
- TBA, metals, and TPH ground water contamination
- April 18, 2018 Compilation Report of Environmental Investigation
 - ASCON is one source of the ground water's contamination
 - DTSC has determined the ground water has beneficial use such as municipal, industrial, and agriculture. Why would known toxic ground water ever be used where exposure to humans and wildlife is a risk?
 - "the pipeline extending from the ASCON property may be an ongoing and continuing source of petroleum hydrocarbons impacting the soils at the Shopoff site."
 - "VOCs detected in soil gas exceeded EPA Resident Ambient Air RSLs."
- Sufficient air monitoring of MTF site and surrounding schools
- Eader Elementary PM10 readings above 50ug/m3 and when not located in the known wind pattern of ASCON but IS located in the MTF wind path
- Accumulative effects of AES, ASCON, and Tank Farm projects on the community
- Long term health effects be to the community from exposure to toxins from AES, ASCON, and the proposed Tank Farm Project

Conclusions



PLEASE DO NOT ACCEPT THIS EIR
To do so is immoral, inhumane and unethical.
Tell this developer that our city, our children,
Huntington Beach, is not for sale.
Not here!
Not now!
This land is broken and bruised and is not fit
for this money-making scheme.

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 03, 2019 7:32 AM
To: Ramos, Ricky
Subject: FW: response regading Magnolia tank farm project

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Trina Bilich <trinabilich@gmail.com>
Sent: Sunday, September 01, 2019 4:53 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: response regading Magnolia tank farm project

I would like to submit a ppt with notes for your review and in response to my concerns regarding the Magnolia Tank farm project. If you have any questions please do not hesitate to contact me at the email or cell # below. I wish nothing but to help provide facts and am concerned that some of the information being stated to the PC by the presenters is not accurate.

Although it may not be intentional it could have long term environmental and human health risk impacts. Rather than rush to make a decision please investigate these inaccuracies thoroughly.

I appreciated hearing the questions at the last session.

Thank you so much,

--

Tom and Trina Bilich

714-493-5320
trinabilich@gmail.com

 **responsetoPC**

Tombilich@aol.com

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Magnolia Tank Farm

Response to EIR proposed rezoning of
Public/Semi public usage

August 2019

Threshold 4.1 - 1 Would the project have a substantial adverse effect on a scenic vista?



Surrounding Area

Surrounding adjacent land uses include AES, the Ascon Landfill which is under DTSC oversight and at a standstill while they determine how to treat STYRENE Pit F, the SCE electrical switchyard, to the south, the Orange County Flood Control District (OCFCD) flood channel to the east, the City of Huntington Beach's maintenance yard and Edison Avenue to the north, and an electrical switchyard and Newland Avenue to the west. Additional surrounding land uses include Pacific Coast Highway to the south, a wetland area to the southeast, commercial, industrial, recreational, and residential uses to the north, and undeveloped land, Huntington-By-The-Sea Mobile Home Park, and Cabrillo Mobile Home Park to the west. The Huntington Beach Wetlands are situated southeast and occupy a 135-acre, 1.5-mile-long area along the coast, bordered by Pacific Coast Highway to the southwest, and the Talbert and Santa Ana River Flood Control Channels to the north and southeast.¹ The wetlands are divided into three major components, the Talbert, Brookhurst, and Magnolia marshes. To the southeast, the 17-acre Talbert Marsh opens to the ocean through a 100 foot-wide entrance adjacent to the mouth of the Santa Ana River. The Talbert wetland area was reintroduced to tidal influence on February 17, 1989. The second component of the Huntington Beach wetlands, the Brookhurst wetland area includes 70 acres located between Brookhurst Avenue and Magnolia Avenue. This acreage has recently been opened to tidal flow and has been restored with wetland vegetation. The third component of the Huntington Beach wetlands, the Magnolia marsh area, includes 40 acres located between Magnolia Avenue and the Huntington Beach Generating Station property. This acreage is under restoration and is currently being opened to tidal flow.

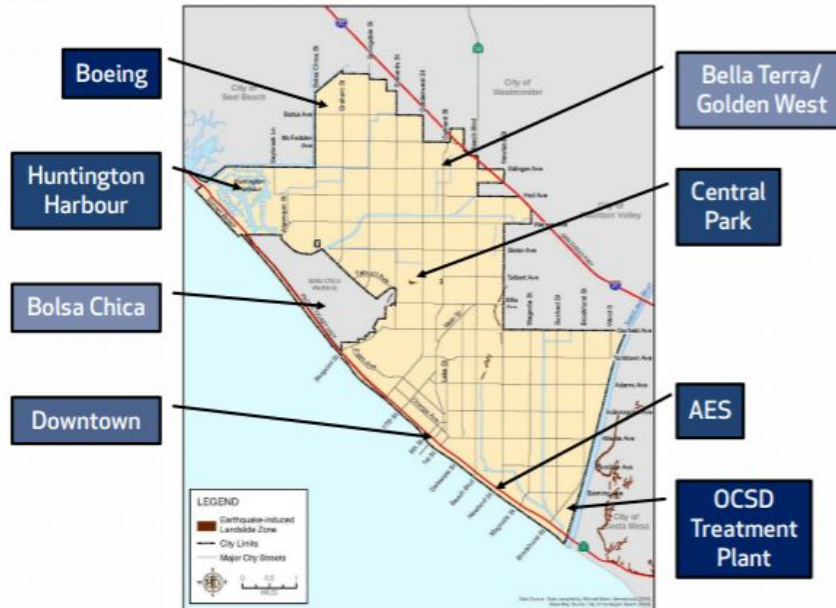
Threshold 4.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?



Furthermore the City of Huntington Beach Local Hazard Mitigation Plan (LHMP) shows that this site is located in several hazardous zones and the recommended plan states that construction of buildings in this zone is NOT recommended due to past known events and future imminent HIGH threat risk to Human life and the Environment.

INTERNATIONAL



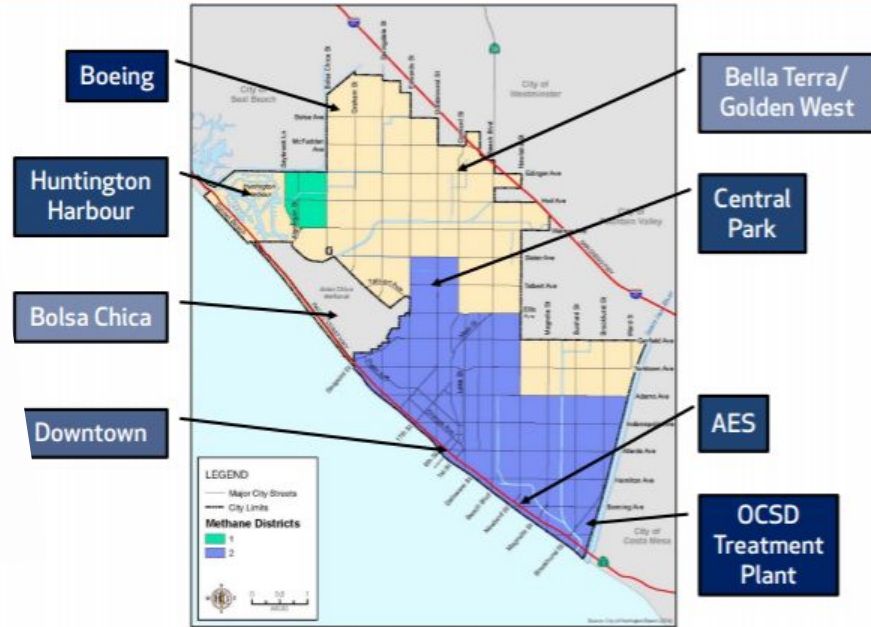


Earthquake Induced Landslide Zone

Methane Districts

Methane-containing soils: While the City requires methane risk reduction strategies in a wide area of the community, substantial events involving methane gas are rare. Elevated levels of methane have been reported at Edison Community Park, the Central Library, and Kettler Elementary School and in surrounding properties, although in all cases the methane was effectively vented and did not create any hazardous situations (Flores 2001a, 2001b; Edwards 2004). In 2004, an abandoned oil well spurted approximately 300 gallons of petroleum and methane gas, affecting 360 homes and causing property damage, although there were no reported injuries (Daniels 2004).

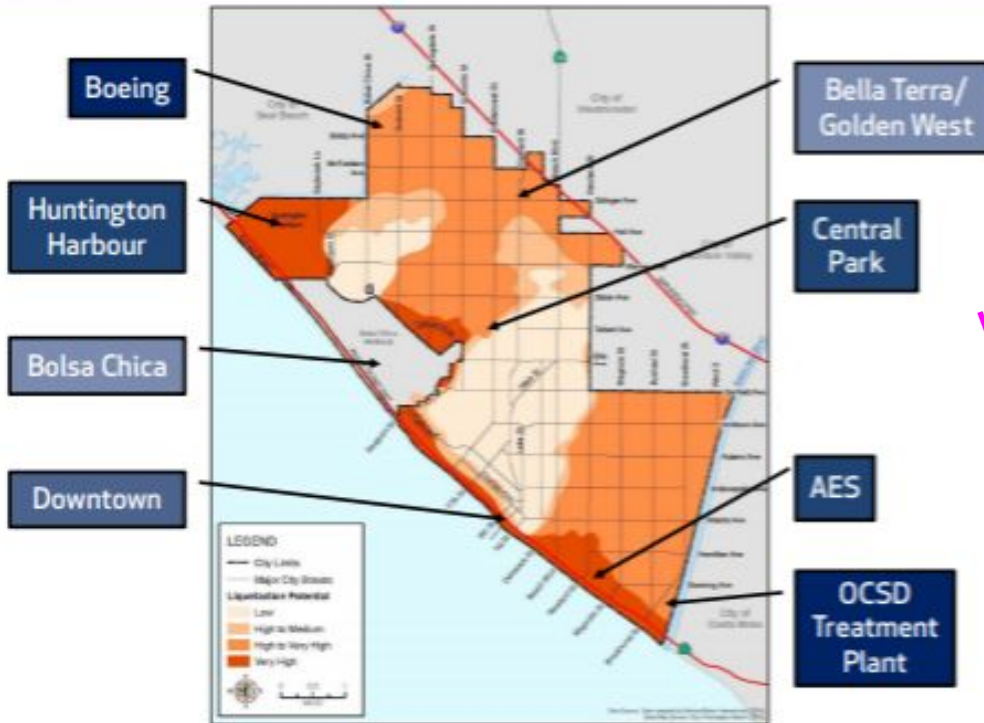
March 2017
Local Hazard Mitigation Plan – Public Review Draft
48



Tsunami Zone Huntington Beach



Liquefaction Potential



*Liquefaction occurs when vibrations or water pressure within a mass of soil **cause** the soil particles to lose contact with one another*

Sea Level Rise

Existing hazards to the proposed Magnolia Tank Farm Project include Federal Emergency Management Agency (FEMA 500-year fluvial flooding, tsunami hazards, and flooding resulting from a closed barrier beach.

In addition our city is at high risk for many critical facilities in these hazard zones, therefore according to recent Ocean Protection Council guidance (OPC), any critical community facility with a potential lifespan beyond 2050 requires evaluation by the high end H +++ sea level rise scenario (5 feet by 2070, 9 feet by 2100)

According to USGS CoSMoS modeling access to the site may be severely restricted by a 100 year coastal storm wave event with ~5 feet of sea level rise, which could be reached as early as 2070 under the H ++ scenario. The entire site under current topography was modeled to be exposed with 6.5 feet + of sea level rise and a 100 year riverflow event which could occur as early as 2070 (M&N, 2017)

At current topography closed beach barrier flooding, caused by natural closing of the ocean outlet on the flood control channel, could increase from an elevation of ~12 -15 feet NAVD under existing conditions to ~17-20 feet NAVD by 2070 under the H++ scenario and flood the proposed facility.

Figure 1

Please note that all elevations in this review are based on the North American Vertical Datum of 1988 (NAVD).

Sea Level Rise

The sea level rise scenarios evaluated in this review include: RCP 2.6 (low emissions), RCP 8.5 (high emissions), and the H++ (worst case) scenario, which is recommended in the Ocean Protection Council Sea Level Rise Guidance (2018) for the evaluation of critical facilities such as the proposed facility (**Bold**). Probabilities of these sea level rise scenarios occurring by 2050, 2070, 2100 are shown in Table 1. The H++ scenario does not have any associated probabilities.

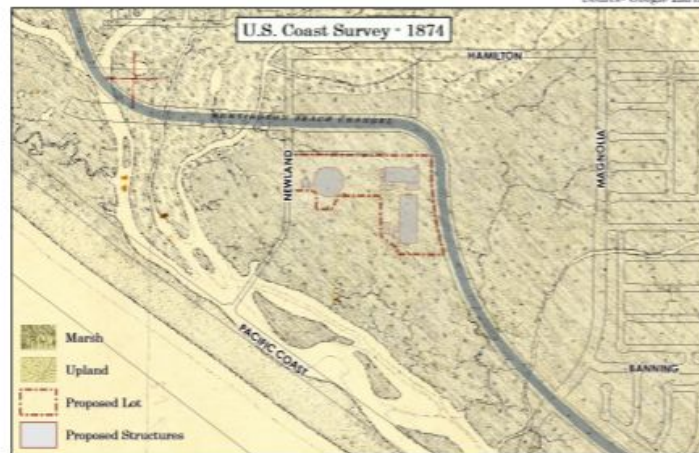
Table 1. Projected Sea Level Rise for Los Angeles

From OPC 2018 Guidance data	Projected Sea Level (in feet)				
Year	RCP 2.6 elevation (50% Probability)	RCP 2.6 elevation (0.5% Probability)	RCP 8.5 elevation (50% Probability)	RCP 8.5 elevation (0.5% Probability)	H++¹
2050	"	"	0.7	1.8	2.6
2070	0.9	2.9	1.2	3.3	5.0
2100	1.3	5.4	2.2	6.7	9.9

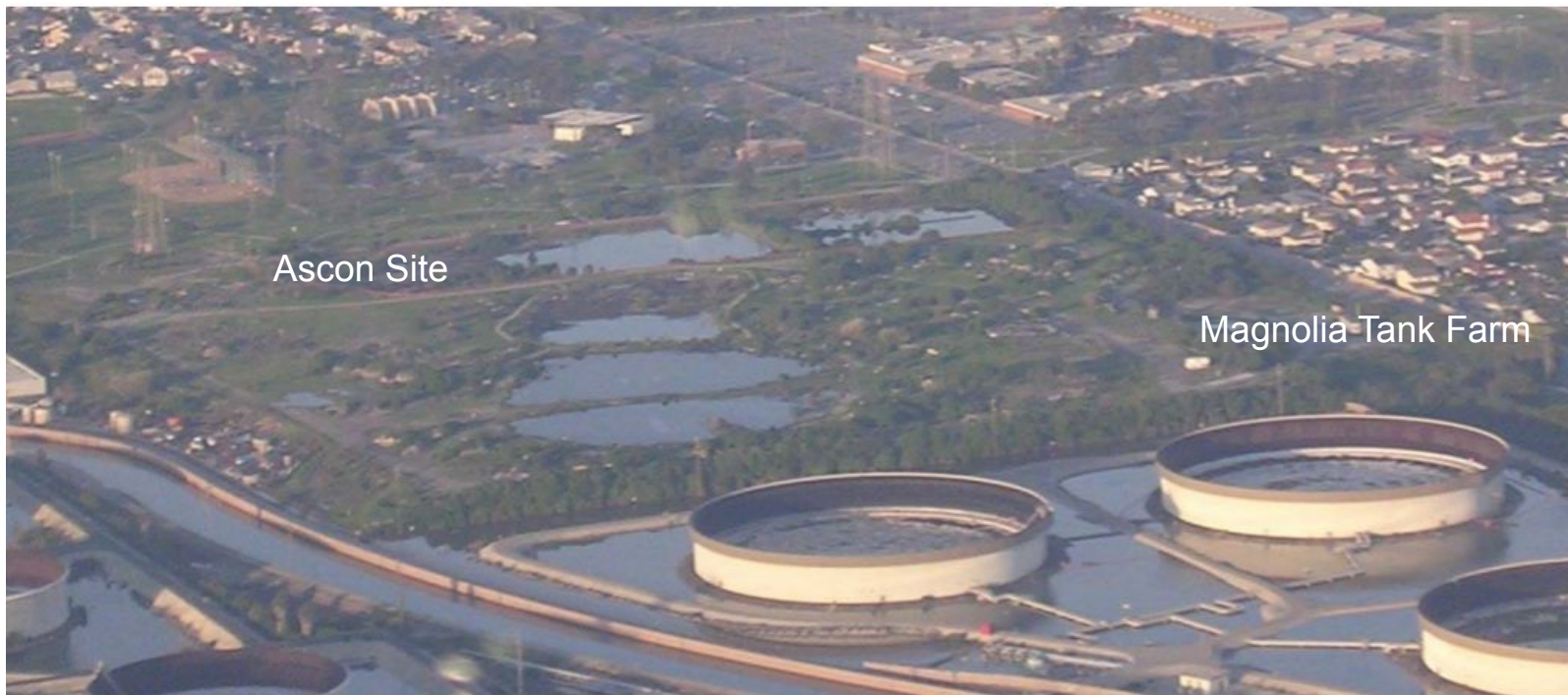
Source: OPC Guidance, 2018



Source: Google Earth



Source: Survey conducted by U.S. Coast Survey, and Provided by NOAA



Critical Facilities

- Facilities that provide key services to City residents and businesses
 - Can be owned by the City, other government agencies, or private groups
- Existing LHMP has 50 critical facilities
 - City administrative offices
 - Libraries and recreational facilities
 - Water and wastewater facilities
 - Public Works and public safety buildings
 - Schools (selected)





A few more recent examples of why Magnolia Tank Farm and Ascon share contaminants...the following 3 videos are from an incident that took place on 08/28/2019 at Magnolia and Banning st.



The only safe precautionary measure is to vote 2B.

References

<https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2014EF000239>

https://consumerwatchdog.org/sites/default/files/2018-11/golden_wasteland.pdf

<http://www.hbwetlands.org/pdfs/envsiteassmnt.pdf>

https://www.huntingtonbeachca.gov/announcements/attachments/Huntington_Beach_public_review_draft_LHMP.pdf

<https://www.huntingtonbeachca.gov/files/users/fire/429.pdf>

<https://www.huntingtonbeachca.gov/files/users/planning/Volume-I-Technical-Background-Report.pdf>

<https://www.huntingtonbeachca.gov/government/departments/planning/major/files/Draft-EIR.pdf>

[http://www.prpblog.com/downloads/Ascon_Community_Mtg%20\(7-6-05\).pdf](http://www.prpblog.com/downloads/Ascon_Community_Mtg%20(7-6-05).pdf)

<https://www.nature.com/articles/s41598-017-01362-7>

<https://www.surfrider.org/blue-water-task-force/chapter/32>

Ramos, Ricky

From: James, Jane
Sent: Tuesday, September 17, 2019 11:18 AM
To: Ramos, Ricky
Subject: FW: Shopoff Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: Victoria Wilson <vwd777@gmail.com>
Sent: Monday, September 16, 2019 6:17 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Cc: Victoria Wilson <vwd777@gmail.com>
Subject: Shopoff Tank Farm

Planning Commission Members;

I am writing as a concerned citizen of Huntington Beach, a parent of two children raised as well as a volunteer in the community, most especially at Edison High School. We moved here to Huntington Beach 31 years ago and have almost always lived in the area bordering Atlanta, Newland, Magnolia and PCH; generally all around the Edison/AES Plant and the NESI site.

This site CANNOT be rezoned to accommodate the Shopoff Plan. This is a misuse of land for both the current citizens of Huntington Beach as well as to future people who would be sold homes or have vacations on toxic land. It is also unethical, on the basis of greed and money, to rezone an area that was rezoned not long ago and slated to be open land, undisturbed and not to be developed AND ONLY FOR PUBLIC USE.

The idea that someone can come in and buy the members of the city council as well as the Planning Commission to violate citizens good for pure and utter greed is contemptuous.

You cannot zone an area because it is polluted and unlivable and then rezone to decide it is.

As a long time citizen of Huntington Beach, the only solution for the tank farm and the Nesi/Ascon site is a resounding NO. No building, no homes, no hotel, PERIOD. To make a downtown area in the midst of a quiet residential neighborhood is nothing short of wrong. To bring more bars and restaurants into an area that is already flooded with drinking establishments too close to our homes as it is, is reprehensible. The traffic, the parking issues, the noise and dust of trucks for those of us who bought property here to be near an area of undeveloped and to NEVER be developed land is why we live in this area. Parking alone will be a nightmare in our neighborhoods because it will flow there- there is not enough allowable land for parking in the plan. Who is going to have one car per family? That is not the way Southern California moves. NOT TO MENTION, THE DIRT ON THAT PROPERTY SHOULD NOT BE MOVED, DUG OR TRANSPORTED DUE TO TOXINS IN THE SOIL WHICH HAVE BEEN PROVEN OVER AND OVER AGAIN, which is why it was zoned as such. You cannot keep allowing money, power and greed to overcome what is right in and for the citizens of our city. I know of NO ONE that wants this or believes it is the right thing to do.

Please say NO to this plan and to any plan which seeks to toxify people by placing them on a toxic waste dump and say NO to development of this area. Leave it undisturbed. KEEP OUR NEIGHBORHOODS QUIET NEIGHBORHOODS. THE RESIDENTS HAVE SPOKEN. SAY NO TO GREED AND INAUTHENTIC CLAIMS. SAY NO TO SHOPOFF PLANS.

Keep our children safe as you would want yours safe. NO DEVELOPMENT AT THE MAGNOLIA TANK FARM.

Thank you.

Victoria Wilson

31 year resident of Huntington Beach

vwd777@gmail.com



ORANGE COUNTY
BUSINESS COUNCIL

2 Park Plaza, Suite 100 | Irvine, CA 92614 | P 949.476.2242 | F 949.476.0443 | www.ocbc.org

September 17, 2019

Planning Commission Chair Pat Garcia
Members of the Planning Commission
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

SEP 27 2019

Dept. of Community Development

**RE: Shopoff Realty Investment's Proposal for the Magnolia Tank Farm
Development – SUPPORT**

Dear Chairperson Garcia,

Orange County Business Council (OCBC) is a regional leader in business and serves as an influential advocate for Orange County's economic prosperity. One of OCBC's core initiatives is to advocate for the development of new housing to meet current and future needs of Orange County's diverse workforce. **For this reason, OCBC supports Shopoff Realty Investments' proposal for the Magnolia Tank Farm Development.**

The City of Huntington Beach is in desperate need of a variety of housing types, especially for residents who work in the city and want a move-up opportunity or would like to downsize. Employees of local businesses living outside of Huntington Beach would also greatly benefit from new housing opportunities. The addition of a lodge with amenities for the local community, as well as educational opportunities for those wanting to learn more about the wetlands is a much-anticipated upgrade to the southeastern portion of the City. Redevelopment of this land is not only necessary for the property, but also for the surrounding community.

OCBC looks forward to progress being made to advance this project through the Planning Commission process and ultimately to the City Council for approval, and respectfully requests that The Planning Commission and City Council consider the invaluable benefits this development would provide to city residents.

Sincerely,

Alicia Berhow
Senior Vice President of Government Affairs

cc: Ricky Ramos, Senior Planner, City of Huntington Beach

Ramos, Ricky

From: Brian Zitt <BZitt@ecorpconsulting.com>
Sent: Tuesday, October 08, 2019 1:02 PM
To: Ramos, Ricky
Subject: Magnolia Tank Farm Project

Good afternoon Mr. Ramos,

You are listed as the Project Planner for the Magnolia Tank Farm Project. I am a longtime resident and I am writing to extend my support for this Project. I am also a biologist, and am familiar with the environmental review process. Having read through the draft EIR and attended some of the community advisory meetings. I've been impressed by the Shopoff team's commitment to environmental stewardship and our community. They have put together an experienced team that has partnered with our residents and the HB Wetlands Conservancy to gather input and share ideas to create something special. As a nearby resident, an avid beach goer, environmentalist/biologist, and father with elementary age children in the HBCSD, I would love to see the land being used in a way that provides multiple benefits for our residents and guests. The site has been an eye sore for far too long and I'm excited to have this proposed project happening in our city.

Thank you for your time,

Brian Zitt

Senior Aquatic Biologist/Diving Safety Officer
ECORP Consulting, Inc.



A Federal Small Business
California Small Business for Public Works (SB-PW)

NEW ADDRESS, EFFECTIVE 9-1-19: 2861 Pullman Street, Santa Ana, CA 92705

Ph: 714.648.0630 ext 1411 ♦ Cell: 714.496.5540

bzitt@ecorpconsulting.com ♦ www.ecorpconsulting.com

Rocklin ♦ Redlands ♦ Santa Ana ♦ San Diego ♦ Chico ♦ Flagstaff, AZ ♦ Santa Fe, NM

Ramos, Ricky

From: Doug Cummins <doug.cummins@dahlingroup.com>
Sent: Wednesday, October 09, 2019 3:47 PM
To: Ramos, Ricky
Subject: Tank Farm Support

Dear Mayor Peterson:

I support the plans as proposed for the Magnolia Tank Farm. As a resident, I believe redevelopment such as this is vital to our local economy. There is a great need for additional housing opportunities in the city as well as the state of California. This area of Huntington Beach is also in need of local amenities for the community; the proposed Lodge will bring with it meeting space, outdoor activity and retail to the area.

Please approve this project.

Sincerely,

Douglas Cummins

*8482 Hillhead Drive
Huntington Beach CA 92646*

Ramos, Ricky

From: Hersel Zahab <Hzahab@ldc-ce.com>
Sent: Tuesday, October 15, 2019 2:23 PM
To: Ramos, Ricky
Subject: Magnolia Tank Farm

Dear Mayor Peterson:

I support the plans as proposed for the Magnolia Tank Farm. As a long time resident of Orange County, I believe redevelopment such as this is vital to our local economy. There is a great need for additional housing opportunities in the city as well as the state of California. This area of Huntington Beach is also in need of local amenities for the community; the proposed Lodge will bring with it meeting space, outdoor activity and retail to the area.

Please approve this project.

Sincerely,

Hersel M. Zahab, P.E.
Principal
(714) 557-7700 ext. 6



1520 Brookhollow Dr., Ste 33, Santa Ana, CA 92705

www.ldccivilengineers.com

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Ramos, Ricky

From: John Toohey <jhtoohey@outlook.com>
Sent: Thursday, October 10, 2019 10:19 AM
To: Ramos, Ricky
Subject: Magnolia Tank Farm

Dear Mayor Peterson:

I support the plans as proposed for the Magnolia Tank Farm. As a resident, I believe redevelopment such as this is vital to our local economy. There is a great need for additional housing opportunities in the city as well as the state of California. This area of Huntington Beach is also in need of local amenities for the community. The proposed Lodge will bring with it meeting space, outdoor activity and retail to the area.

Please approve this project.

Sincerely,

John Toohey
(949) 439-9134

Ramos, Ricky

From: Kelly Thompson <ktdzns@aol.com>
Sent: Thursday, October 10, 2019 4:14 PM
To: Ramos, Ricky
Subject: Re: Magnolia Tank Farm EIR Response to Comments

This will be a toxic nightmare and gross negligence on our city. This developer is a crook and fraudster. This area and Ascon are a toxic nightmare cozied up to our wetlands, beach and established community.

Sent from my iPhone

September 23, 2109

The Honorable Erik Peterson
and Councilmembers
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: SUPPORT FOR SHOPOFF REALTY PLANS FOR TANK FARM

Dear Mayor Peterson:

I would like to express my support for Shopoff Realty Investments' proposal for homes and a lodge on the Tank Farm property in Huntington Beach. As a member of the building industry, I am an advocate for responsible development, thoughtful planning and development projects that shed a positive light on our industry.

Shopoff is proposing a project that not only complements and provides suitable transitions to the existing surrounding land uses, but also improves the area by removing a blighted property and replacing it with uses that bring much-needed funds to the city as well as desperately needed housing options to the area. In this case, the plan places compatible housing next to existing residential. The lodge is placed near existing industrial uses and overlooking the wetlands separated with a large buffer to protect this resource while also promoting its educational value to residents and guests alike.

As the housing crisis in southern California continues, we are desperate for new housing—move-up opportunities for grown children moving back to their “hometown,” expanding families needing a larger floor plan, and empty-nesters downsizing.

From an economic perspective, revitalization of the Tank Farm can only increase neighboring property values and provide a much-needed boost to Southeast Huntington Beach. And, of course, taxes generated will undoubtedly benefit the city's infrastructure, public safety and other city-funded needs.

In my opinion, this project will only provide positive changes to the area. I hope that you agree and vote YES when it is brought before you for approval.

Sincerely,

Name:

LES CARD

Address:

1733 LA Colina Dr. Santa Ana 92705

Signature:

Les Card

Ramos, Ricky

From: James, Jane
Sent: Tuesday, October 15, 2019 8:58 AM
To: Ramos, Ricky
Subject: FW: No Tank Farm

FYI

Jane James | Planning Manager
City of Huntington Beach
Department of Community Development
714.536.5596 | jjames@surfcity-hb.org

From: robin@blueprintsvmg.com <robin@blueprintsvmg.com>
Sent: Monday, October 14, 2019 5:49 PM
To: Planning Commission <planning.commission@surfcity-hb.org>
Subject: No Tank Farm

Hello,

Please, I implore you, do not approve the Tank Farm/Shopoff project.

1. It is simply not safe
2. Mr. Shopoff is a criminal and ethically challenged.
3. Do you really want to stake your name on this proposed project?

I live on Adelia Circle (across the street from the big tent) and have endured too many 'projects' in SE HB. This is not good for our community and detrimental to everyone's health.
Thank you.

Robin Brogdon, MA
BluePrints Veterinary Marketing Group, Inc.
O: 949.756.8071 C: 714.313.0621
robin@blueprintsvmg.com | blueprintsvmg.com



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 East Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



September 5, 2019

Ricky Ramos
Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

SEP 10 2019

Dept. of Community Development

Re: Draft Magnolia Tank Farm Specific Plan
Preliminary Comments

Dear Mr. Ramos:

Thank you for the opportunity to comment on the January 2019 draft version of the *Magnolia Tank Farm Specific Plan, Specific Plan Number 18*. The comments herein are focused on Appendix B which provides a summary of the project sea level rise vulnerability assessment and adaptation plan. Although we have met with City staff and the project proponent (Shopoff Realty Investments) in the past, discussions were primarily focused on the overnight accommodations contemplated as part of the project. However, we have consistently indicated that impacts at the site due to expected future sea level rise will be an important factor during consideration of the specific plan. Upon review of Appendix B of the draft Specific Plan, we have very strong concerns with the land use and zone change and related development reflected in the Specific Plan. These changes appear to be inconsistent with Chapter 3 policies of the Coastal Act and with the policies of the certified Local Coastal Program (LCP) Land Use Plan (Coastal Element) (LUP).

The subject site is a 29 acre site located west of Magnolia Street, and immediately inland of the Magnolia Marsh section of the Huntington Beach wetlands complex. The specific plan is intended to address future redevelopment of the site. Currently the subject site is land use designated Public (P) and zoned Public-Semipublic-oil overlay (PS-o). As currently drafted the specific plan anticipates designating 2.8 acres of the site Coastal Conservation, 2.9 acres of the site Open Space Parks & Recreation, 18.9 acres to medium density residential (RM) which would allow up to 250 residential units, and 4.3 acres Commercial Visitor Commercial (CV). As recognized, the contemplated development would require approval of a Local Coastal Program amendment by the Coastal Commission, affecting both the Land Use Plan and the Implementation Plan portions of the LCP. The subject site is located between the sea (tidally influenced Magnolia Marsh) and the first public road (Magnolia Street). Based on this location, the site is within the appeals jurisdiction of the Coastal Commission.

The standard of review for a land use designation change at the site is the Chapter 3 policies of the Coastal Act. The Specific Plan will rely upon approval of a change in the land use designation at the subject site. The standard of review for the zone change and draft specific plan is the City's certified Land Use Plan (Coastal Element). The Coastal Act includes the following policies:

Section 30236:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the

flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30253(a) and (b):

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The City's certified Local Coastal Program Land Use Plan (Coastal Element) contains the following policies:

Policy C 1.1.9

Minimize risks to life and property in areas of high geologic, flood and fire hazard through siting and design to avoid the hazard.

New development shall be designed to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in anyway require the construction of a protective device.

Policy 6.1.27

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Based upon information contained in Appendix B and review of the USGS CoSMoS modeling tool¹, it appears the site will be subject to significant impacts from sea level rise during the anticipated life of the proposed development, including flooding of the surrounding area causing potential loss of access roads, as well as eventual flooding of the site itself. The Coastal Act sections and LCP policies cited above require that new development (such as that reflected in the draft specific plan) minimize risks, assure stability and structural integrity, and neither create nor contribute to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices. The Coastal Act sections and LCP policies cited above also require that alterations to rivers and streams be limited to flood control projects where no other method for protecting **existing** structures is feasible. It is important to note that the subject site is currently vacant, and thus, there are no existing structures present.

The adaptation measures summarized in Appendix B appear to rely almost entirely upon potential future management efforts that would be limited by the above mentioned policies and that further rely on the assumption that these management efforts will be defined and implemented by a

¹ <http://data.pointblue.org/apps/ocof/cms/index.php?page=flood-map>

Draft Magnolia Tank Farm Specific Plan
Appendix B Sea Level Rise
Page 3

government agency or agencies (City, County, or US Army Corps of Engineers). However, planning, funding and implementation of these future measures is uncertain at this time. Based upon these concerns, it does not appear that the subject site is appropriate for a significant new development at this time, particularly considering the contemplated development includes up to 250 residential units, which are of very low adaptability to future sea level rise impacts. Further, it does not appear that the change in land use designation and re-zone of the site, and related development described in the draft Specific Plan could be found to be consistent with the referenced Coastal Act sections and LCP policies cited above. There may be other areas of inconsistency as well.

Coastal Commission staff is available to meet with City staff and with the project proponent to discuss these comments and the development reflected in the draft Specific Plan. Unfortunately, due to staff schedules, we cannot meet in person until the beginning of October. However, in the interim, Madeline Cavalieri, Statewide Planning Manager, in our Santa Cruz office may be contacted to discuss the general concerns described in this letter. Ms. Cavalieri may be reached at (831) 427-4890, or madeline.cavalieri@coastal.ca.gov. After October 1, 2019, please feel free to contact me to discuss this matter and/or to arrange a meeting date. We appreciate the request for comments early in the process and prior to local action on the matter and we look forward to working together on this item in the future.

Sincerely,



Meg Vaughn
Staff Analyst

cc: Jennifer Villasenor, Planning Manager
Greg Vail, Shopoff Realty Investments

October 16, 2019

Meg Vaughn
Staff Analyst
California Coastal Commission
South Coast Area Office
301 East Ocean Boulevard, Suite 300
Long Beach, California 90802

Re: Draft Magnolia Tank Farm Specific Plan: Preliminary Comments

Dear Ms. Vaughn,


We are writing in response to your letter dated September 5, 2019, regarding the Magnolia Tank Farm (MTF) Specific Plan Draft Environmental Impact Report (DEIR). We believe there is some confusion regarding interpretation of the material related to sea level rise (SLR) in the DEIR, which was used to inform much of the content in that letter. Consequently, we have provided the following information intended to clarify the material in the DEIR related to SLR.

On page 2 of your letter, you indicate that it appears the project site will be subject to significant impacts from SLR during the anticipated life of the proposed development, including flooding of the surrounding area causing a potential loss of the access road as well as eventual flooding of the site itself. The text in your letter implies that this conclusion was based on information contained in Appendix B and review of the USGS CoSMoS modeling tool. In Appendix H-3 of the DEIR there is a project-specific SLR vulnerability assessment and adaptation plan (VAAP) that was prepared on behalf of the project applicant (Shopoff Realty Investments [SRI]) by Anchor QEA, LLC. The CoSMoS results readily available online (e.g., Our Coast, Our Future) were accessed and reviewed to prepare the VAAP. This evaluation showed that the CoSMoS configuration used to represent the project site vicinity did not accurately represent project conditions. Specifically, the CoSMoS configuration did not include the presence of the vertical floodwall that runs along the western boundary of the project site against the Huntington Beach Channel. That floodwall, which is owned, operated, and maintained by the Orange County Flood Control District, is higher than the surrounding ground elevations used in the CoSMoS configuration. Thus, the CoSMoS configuration overpredicts the extent of flooding. The omission of the floodwall from the CoSMoS configuration was verified by staff at the U.S. Geological Survey, which is the agency that developed and ran the CoSMoS modeling system. Please see Appendix H-3 for more detailed information.

In Appendix H-3 you will also find additional information that should help inform your review of the project with regards to SLR. For example, a site-specific model was developed to analyze fluvial (river) flooding in the vicinity of the project site under both current (2025 without SLR) and future timeframes (2050 and 2100 with SLR). This model was used to analyze both existing and proposed conditions (i.e., with the project) to assess coastal hazards now and in the future. The modeling results showed that the project would reduce coastal hazards at the project site associated with fluvial flooding in the future with SLR.

We would like to take you up on your offer to convene a meeting to review your comments. We believe that an in-person meeting will provide an opportunity for us to present and explain the information contained in Appendix H-3. I will contact you within the next 2 weeks to schedule a meeting with representatives from the City of Huntington Beach, SRI, and relevant members of the consulting team working for SRI. We look forward to meeting with you.

Sincerely,

A handwritten signature in black ink, reading "David G. Cannon". The signature is written in a cursive, flowing style.

David G. Cannon, MCE, PE
Principal Engineer

cc: James O'Malley, Shopoff Realty Investments
Ricky Ramos, City of Huntington Beach
Jennifer Villasenor, City of Huntington Beach

August 2019

Coastal Hazards and Sea Level Rise Addressed by:

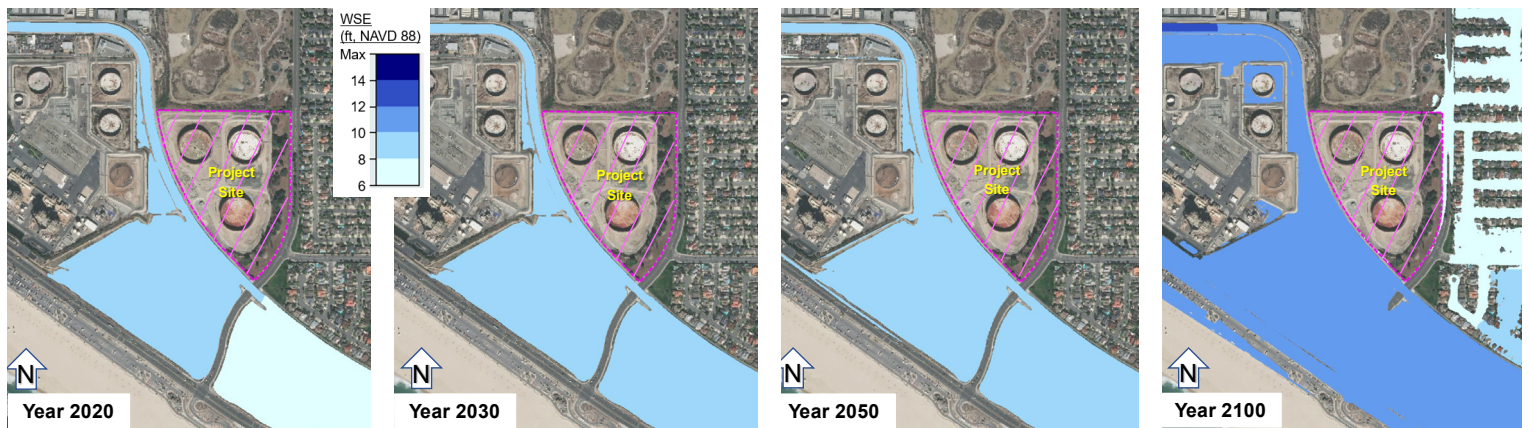
- o Using best available sea level rise science (OPC 2017);
 - o Following applicable sea level rise policy (CNRA & OPC 2018), and;
 - o Applying relevant sea level rise policy guidance (CCC 2015).
- Project site not vulnerable to coastal erosion between Year 2020 and Year 2100 due to distance from the ocean
 - Project site not vulnerable to tidal inundation between Year 2020 and Year 2100
 - Project site not vulnerable to coastal wave storms between Year 2020 and Year 2060
 - Project site not vulnerable to fluvial floods between Year 2020 and Year 2060
 - Project site vulnerable to fluvial floods in Year 2100; however, the level of vulnerability is less with the project
 - Sea level rise adaptation plan developed to address future vulnerabilities related to coastal wave storms and fluvial floods

Sea Level Rise Adaptation Plan Consists of:

- o Increasing ground elevations and raising building pads to protect structures
- o Allocating space for future sea level rise adaptation measures done as:
 - Local project by property owners or City
 - Regional project by Orange County or U.S. Army Corps of Engineers
- o Phased implementation over time designed to avoid impacts to existing, surrounding land associated with implementation of the adaptation plan components

Proposed Condition (With Project)

100-Year Flood Maximum Water Surface Elevations Under Current Timeframe
(Year 2020 Without SLR) and Future Timeframes (Years 2030, 2050, and 2100 With SLR)



Coastal Hazards Vulnerability Assessment Summary

Time Period	Coastal Erosion	Tidal Inundation	Coastal Wave Storm	Fluvial Flooding	Tsunami
Existing Conditions (Year 2020)	No	No	No	No	Yes
By Year 2030	No	No	No	No	Yes
By Year 2060	No	No	No	No	Yes
By Year 2100	No	No	Possible (Omission of floodwall in CoSMoS)	Yes (less with project)	Yes

*Magnolia Tank Farm Redevelopment Project
Sea Level Rise Vulnerability Assessment and Adaptation Plan*

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MagnoliaTankFarm.com

Who to Contact for Additional Information:

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MAGNOLIA

T A N K F A R M

ENVIRONMENTAL CONDITIONS FACT SHEET

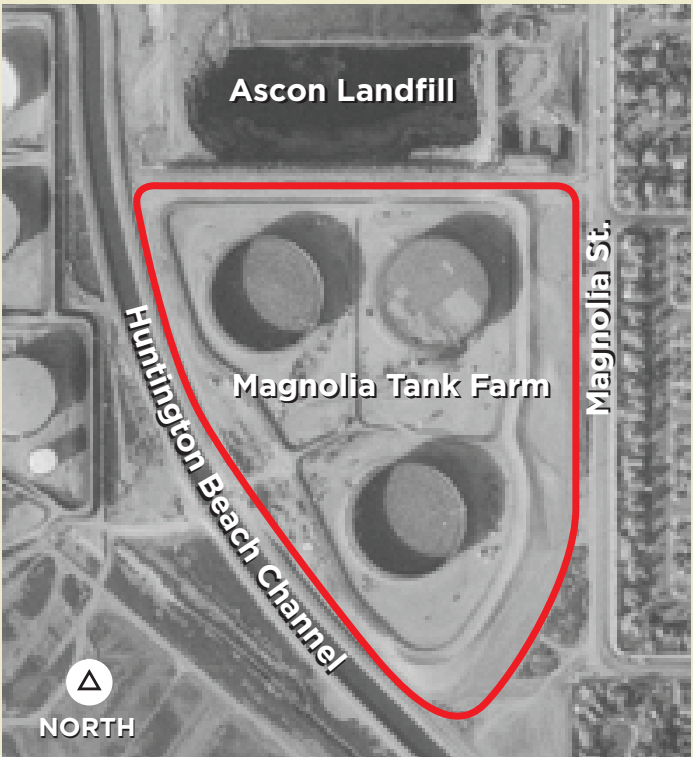
August 2019

Magnolia Tank Farm Redevelopment Project

The 28.9-acre Magnolia Tank Farm project site (Tank Farm Site) is located at 21845 Magnolia Street, on the west side of Magnolia Street at Banning Avenue in the southwestern area of Huntington Beach, California. The Tank Farm Site is presently owned by SLF HB-Magnolia, LLC and is planned for redevelopment with residential, hospitality and open space uses. Prior to the 1960s the Tank Farm Site was used for agricultural purposes. In the late 1960s, the Tank Farm Site was developed with three 25 million-gallon fuel oil aboveground storage tanks (ASTs) as part of the Huntington Beach Generating Station (HBGS). The Tank Farm Site was sold from Southern California Edison (SCE) to Pacific Energy Partners, L.P. in 2003, and in 2007 Pacific Energy Partners sold the Tank Farm Site to Plains All-American Pipeline. In August 2016 Plains All-American Pipeline sold the Tank Farm Site to SLF HB-Magnolia, LLC. In July 2017 the three fuel oil ASTs were demolished and removed from the Tank Farm Site under the oversight of the Huntington Beach Fire Department (HBFD). Thereafter, the Tank Farm Site was leased to AES Southland as a staging and parking area in support of the demolition and re-construction of the adjacent power plant.

Because SLF HB-Magnolia, LLC plans to redevelop the Tank Farm Site, this Project Fact Sheet was prepared to provide:

- the history of the Tank Farm Site and neighboring properties;
- a summary of on and off-site historical soil, soil gas, and groundwater investigations; and
- status of on-going on-site investigations, which are being conducted by the former owner operator of the ASTs, SCE, under the direct oversight of the California Department of Toxic Substances Control (DTSC).



History of the Tank Farm Site

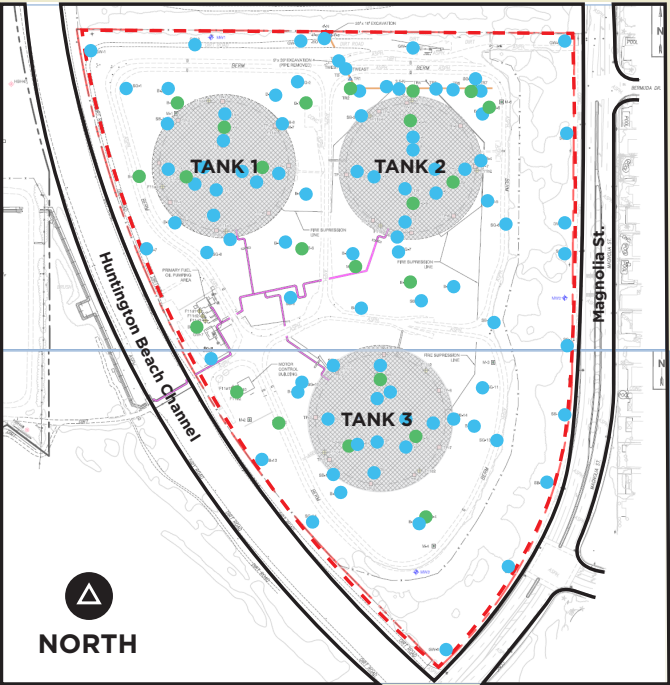
Historical records show that the Tank Farm Site was undeveloped and/or used for agriculture from at least 1938 until SCE constructed three 25 million-gallon fuel oil ASTs some time between 1965 and 1972 as part of the HBGS. Three oil production wells were installed in 1955 and were abandoned under permit in 1971 and 1972. In 1995, DTSC required SCE to investigate environmental conditions at numerous generating stations, including HBGS. Accordingly, environmental assessment of potential impacts to soil, soil gas, and groundwater began at the Tank Farm Site in the mid-1990s and have continued through 2019.

Figure 1 – Tank Farm Site and Surrounding Properties Prior to Tank Removal. Reference = 1972 Aerial photo from Phase I report dated December 11, 2015

Environmental Investigations at the Tank Farm Site

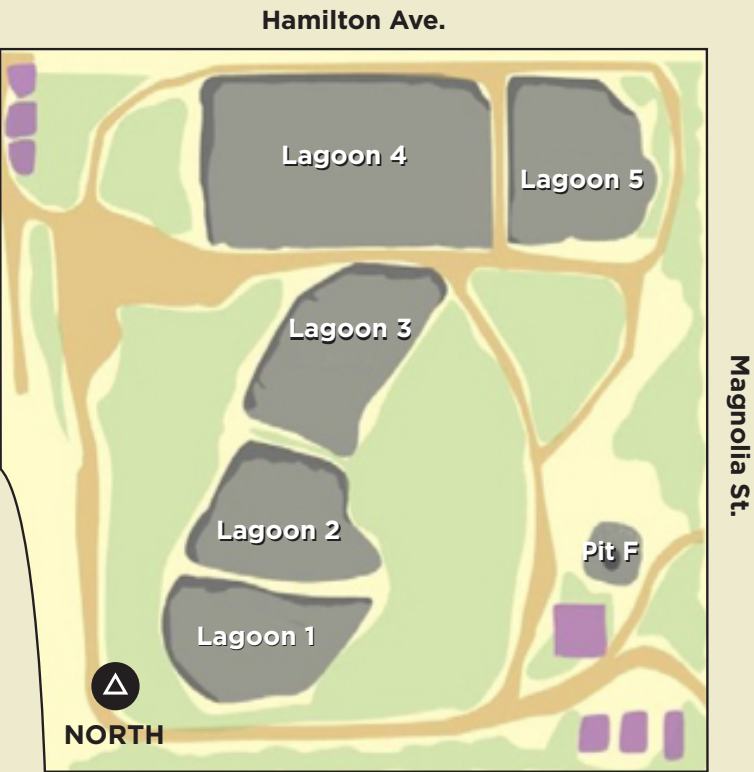
Numerous environmental investigations have been conducted on the Tank Farm Site under the oversight of the DTSC. During the investigations, soil samples have been collected from over 150 locations; soil vapor samples have been collected from over 20 locations; and multiple groundwater samples have been collected from throughout the Tank Farm Site. Because the Tank Farm Site was only developed with large ASTs and formerly had three oil production wells, fuel oil and petroleum, which are generally heavy and viscous and contain relatively low volatile organic compound (VOC) concentrations, are the primary contaminants of potential concern.

Figure 2 – Tank Farm Site Historical Soil, Soil Vapor and Groundwater Sampling Locations. Reference = Figures 3 and 4 from the January 5, 2018 EnvApps RTC document



Ascon Landfill North of the Tank Farm Site

Ascon Landfill is located to the immediate north of the Tank Farm Site and operated as a permitted landfill from 1938 to 1984. A separate branch of the DTSC (as compared with the Tank Farm Site) has overseen numerous environmental investigations and interim remedial actions, and recently approved a Final Remedy, which will include reconsolidation of wastes, capping, and future long-term monitoring operations (for both soil gas and groundwater).



Because of its proximity to the Tank Farm Site, both Ascon and SCE have conducted numerous environmental investigations near their common property boundaries. All of the investigation results for soil, soil gas, and groundwater have shown that Ascon Landfill has not impacted the Tank Farm Site. Groundwater is present below the Ascon Landfill at depths between 10 to 20 feet below ground surface and the groundwater flow direction has consistently been shown to be away from the Tank Farm Site (to the north or northeast). Additionally, historical aerials and other publicly available information has confirmed that Ascon Landfill never operated on the Tank Farm Site.

Figure 3 – Ascon Landfill Site Features. Reference = Ascon Landfill fact sheet #10 dated October 1, 2009

Current Environmental Condition and Future Expected Regulatory Requirements for the Tank Farm Site

Currently, results of soil, soil gas, and groundwater samples indicate that no active remediation will be needed for residential use to be allowed by DTSC. As recently, in the Summer of 2019 SCE collected multiple soil samples from 38 locations across the Tank Farm Site to prepare the Final investigation report for the Site. The report is expected to be submitted to DTSC in September 2019 and assuming soil sample concentrations are consistent with previous results for the Tank Farm Site, the report will recommend no further action.

After DTSC concurrence that no further assessment or remedial action are required at the Site, SLF HB-Magnolia, LLC will engage with the City of Huntington Beach Fire Department to fulfill requirements with respect to City Specifications 429 and 431-92 related to methane building protection systems and petroleum in soils for residential development, respectively.

Finally, SLF HB-Magnolia, LLC is in communication with DTSC and Ascon Landfill with respect to future soil gas and groundwater monitoring, which are required in perpetuity by DTSC as part of Operation and Maintenance (O&M) for Ascon's Final Remedy.



Figure 4 – Groundwater Flow from Tank Farm Site to Ascon Landfill. Reference = Attachment I from Tait's March 15, 2019 Ascon Summary doc

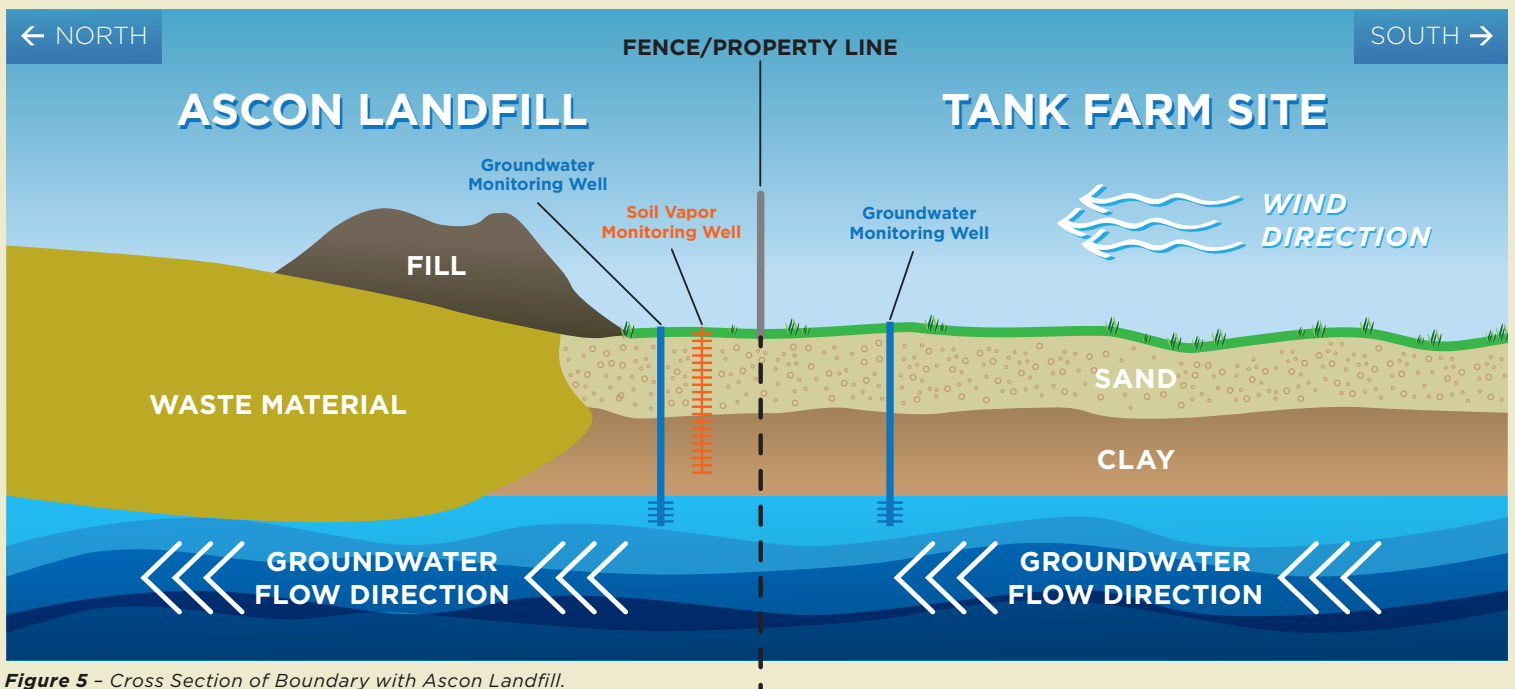


Figure 5 – Cross Section of Boundary with Ascon Landfill. Reference = Hand drawn by Roux

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