

Switzer, Donna

From: Dombo, Johanna
Sent: Monday, November 18, 2019 10:15 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Monday's City Council Agenda

AGENDA COMMENT

From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Friday, November 15, 2019 3:55 PM
To: Chi, Oliver <oliver.chi@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Monday's City Council Agenda

City Manager, Mayor and City Council Members,

I respectfully ask that you remove this Magnolia Tank Farm Study Session from Monday's agenda and wait for the presentation to council on December 16th by the developers and let the project stand on it's own merits in the effort of transparency to the tax payers of Huntington Beach.

Thank you,

Steve Farnsworth

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

Switzer, Donna

From: Dombo, Johanna
Sent: Monday, November 18, 2019 10:37 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm Study Session

AGENDA COMMENT

From: robin@blueprintsvmg.com <robin@blueprintsvmg.com>
Sent: Thursday, November 14, 2019 5:40 PM
To: Chi, Oliver <oliver.chi@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm Study Session

Hello,

Please remove Magnolia Tank Farm Study Session from Monday's agenda. Not only is this a disastrous idea but the short notice is once again giving the appearance of deception and intentionally manipulating the timing to help the developers – NOT the citizens of Huntington Beach.

Respectfully,

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



SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

Switzer, Donna

From: Dombo, Johanna
Sent: Monday, November 18, 2019 10:37 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Study Session/ Opposing

AGENDA COMMENT

From: vanessa martinez <rockonbaileybailey@yahoo.com>
Sent: Thursday, November 14, 2019 5:17 PM
To: Chi, Oliver <oliver.chi@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Study Session/ Opposing

Good Evening,

Opposing the study session that was not set. Who is making this request? Why are things , suddenly just popping up without notice? Is this another opportunity for the developers to show boat?

Thank you,
Vanessa

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: Study session #2 (19-852)

Estanislau, Robin

From: Dombo, Johanna
Sent: Thursday, November 14, 2019 4:43 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm Study Session on the Agenda for Mon., 11/18/19

AGENDA COMMENT

From: Cari Swan <cswanie@aol.com>
Sent: Thursday, November 14, 2019 4:40 PM
To: Chi, Oliver <oliver.chi@surfcity-hb.org>
Cc: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm Study Session on the Agenda for Mon., 11/18/19

Dear Mr. Chi,

I am writing to protest the Study Session Item entitled Magnolia Tank Farm Overview scheduled prior to the City Council Meeting on November 18, 2018

I do not recall in any prior City Council meeting a request by any city council members to schedule this Study Session so I must assume it was either you and Ursula Luna-Reynosa that scheduled this session. If you requested this topic since you are new to HB and have not followed this project, may I suggest you take the time to go back and watch Planning Commission videos. If it was requested by Ursula may I suggest that you have a private meeting with her to understand her goals and objectives because I can assure you from having attended every planning commission meeting, every community meeting and the EIR scoping meetings on this project that the community has studied this ad nauseam! Add to this all of the angst and disruption to life in SE HB from the ASCON project and AES start-up....this community is beyond their final straw!!!

My reaction to this study session is that it was scheduled to serve as a lobbying effort to assist Shopoff Development, pure and simple. I'm fairly certain that Shopoff has already invested tens of thousands of dollars to lobby and inform our council members what they are hoping to accomplish. The only people in this city who DO NOT have anyone listening or lobbying for them are the CITIZENS, short of a few council members. I don't think they need to waste any more city resources or time for their marketing and lobby efforts....nor do I think you and/or Ursula need to assist them in this effort.

I respectfully ask that you remove this Study Session and wait for the presentation to council on December 16th and let the project stand on it's own merits.

Respectfully,

Cari Swan

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-18-2019
Agenda Item No.: ES #2 (19-852)

November 16th, 2019

RECEIVED

NOV 18 RECD

Huntington Beach
CITY COUNCIL OFFICE

Mayor Erik Peterson
Mayor, City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

Re: Magnolia Tank Farm Development

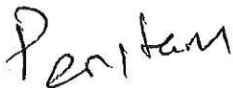
Mr. Mayor-

Thank you for the opportunity to comment on the proposed Magnolia Tank Farm mixed use development.

I am writing this letter in support of the proposed Magnolia Tank Farm Development. I live in Huntington Beach and find this project to be a perfect fit for the surrounding community. Our city will benefit from the occupancy tax generated by this project and won't be harmed by a few additional folks using our streets.

Thank you in advance for approving the Magnolia Tank Farm Development.

Sincerely,



Peritem Singh
16811 Pembroke Ln.
Huntington Beach, CA 92649

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

November 15th, 2019

RECEIVED

NOV 18 REC'D

Huntington Beach
CITY COUNCIL OFFICE

Mayor Erik Peterson
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648


Mayor Peterson-

I am writing regarding the Magnolia Tank Farm development.

As a small business owner in Pacific City, foot traffic drives sales at my business. Bringing entertainment options to Southeast Huntington Beach will drive foot traffic that will help me bottom line. This project is a welcome addition to Huntington Beach and deserves our support.

Please support the Magnolia Tank Farm Development.

Best,


Robert Leopardo
Owner, Gelateria Zomolo
21022 Pacific Coast Hwy, Suite B110
Huntington Beach, CA 92648

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

November 8th, 2019

Erik Peterson
Mayor
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

RECEIVED

NOV 18 REC'D

Huntington Beach
CITY COUNCIL OFFICE

Re: Support- Magnolia Tank Farm Development

Mayor Peterson-

Thank you in advance for your consideration of this project.

I am writing to express my support for the proposed Magnolia Tank Farm Development. I am a small business owner in Huntington Beach and know that this project will bring jobs and additional economic development to Southeast Huntington Beach. Bringing additional visitors and residents to Huntington Beach will help small business owners such as me as a result of the increased visitors.

I humbly ask that you support the Magnolia Tank Farm Development when this issue comes before you.

Truly,



Tien Vu
1969 Adams Ave.
Huntington Beach, CA 92626

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

Estanislau, Robin

From: Dombo, Johanna
Sent: Wednesday, October 30, 2019 2:36 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

AGENDA COMMENT

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

From: Phyllis Bailey <pbaileyhb@gmail.com>
Sent: Wednesday, October 30, 2019 11:52 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Please carefully planned what goes in to the Magnolia tank farm area on Magnolia. Our city is already so overcrowded and traffic is very annoying. Please consider Plans that will have the least environmental impact. I heard senior housing suggested and that is already zoned for that. Being a senior myself, I think we're going to need more of those pretty soon.

Phyllis Bailey
Sent from my iPhone

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: Study Session #2
(19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 1:19 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Conflict of Interests
Attachments: Conflicts-Guide-August-2015-Jan-2016-Edits 2019.pdf; Conflicts of Interest Rules 2019.html

AGENDA COMMENT

From: larry mcneely <lmwater@yahoo.com>
Sent: Thursday, October 24, 2019 1:17 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Conflict of Interests

As the Shopoff Tank Farm Project is closer to come before a city council vote I would like to interject the fact that at least one person on the city council has a clear Conflict of Interests with this vote. Barbara Delgleize owns and operates a local Real Estate Office in our city, by voting on this project this will bring into our local market 250 New Housing Units to our local market. This would be a win for profits for the real estate business and their staff and associates. The threshold for the conflict would surly be passed by the sale of one unit. I am calling for Barbara Delgleize to recuse her vote on this project to avoid any conflict or any other impropriety that may be considered. I have included my contact response from the FPPC on this issue.

Thank You
Larry Mc Neely

SUPPLEMENTAL COMMUNICATION

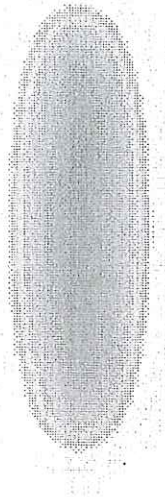
Meeting Date: 11/18/19

Agenda Item No.: SS#2(19-852)

Recognizing Conflicts of Interest

A Guide to the Conflict of Interest Rules of the Political Reform Act

Fair Political Practices Commission
August 2015



This guide is provided by the Fair Political Practices Commission (FPPC) as a general overview of a public official's obligations under the conflict of interest rules provided for in the Political Reform Act (the Act).¹ It is intended to help the user spot situations and issues that may give rise to a conflict. The guide will provide answers to some of the more common questions:

- What is a conflict of interest under the Act?
- Who must be vigilant about conflicts of interest?
- What precautions can be taken to prevent conflicts?
- A conflict of interest exists, what now?
- Where to go for help?

A word of caution - officials should not rely solely on this guide to ensure compliance with the Act, but should also consult the statutes of the Act, the FPPC's regulations, and if necessary, seek legal advice.

What is a conflict of interest under the Act?

In 1974, the voters enacted the Political Reform Act.² In adopting the Act, the voters recognized that conflicts of interest in governmental decision-making by public officials posed a significant danger.

"The people find and declare ...

- a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;
- b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them...."³

Under the Act, a public official will have a statutory conflict of interest with regard to a particular government decision if it is foreseeable that the outcome of the decision will have a financial impact on the official's personal finances or other financial interests.⁴ In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. In fact, preventing conflicts of interest was of such vital importance to the voters that the Act not only prohibits actual bias in decision-making but also "seeks to forestall ... the appearance of possible improprieties."⁵

Who must be vigilant about conflicts of interest?

Public Officials: The reach of the Act's conflict of interest rules is commonly misunderstood or understated. The Act applies to all "public officials," which is defined as "every member, officer, employee or consultant of a state or local government agency."⁶

It is universally recognized that certain elected public officials, such as city councilmembers, city managers and city attorneys, must refrain from decision-making where a conflict of interest exists. These persons hold high-level positions of trust in government. However, the Act's conflict of interest prohibition reaches much further than high-level state and local officials. The Act's conflict of interest disclosure and disqualification rules apply to thousands of local and state public employees and officials working throughout California.

The Public: The Act relies on individual citizens to monitor the decision-making of their elected and appointed representatives to identify whether they have a conflict of interest with respect to a specific decision. Much of the enforcement of the Act's conflict of interest provisions is based on citizen complaints.⁷

What precautions can be taken to prevent conflicts of interest?

In order to prevent a conflict of interest, a public official should: 1) identify and fully disclose the financial interests that may cause a conflict; 2) understand the different types of financial interests that may be the basis for a conflict; and 3) consider whether the decision's effect on the official's financial interest is reasonably foreseeable and material. Each step is discussed in greater detail below.

1. Identify and fully disclose the financial interests that may cause a conflict.

Public Officials: The most important thing an official can do to comply with this law is to recognize the types of interests from which a conflict of interest can arise. By learning to recognize these interests, an official will be able to spot potential problems and seek help from the agency's legal counsel or from the FPPC.

In fact, officials can take steps to protect themselves and the public from conflict of interest decisions well in advance of making a specific governmental decision. The Act requires that public officials annually disclose their financial interests on a Form 700 (Statement of Economic Interests). This is a requirement because the voters who enacted the law recognized that an important purpose of the Act was to ensure adequate disclosure:

“Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.”⁸

The financial interests disclosed include many of the interests that form the basis for a conflict and require disqualification under the Act. No one has a conflict of interest under the Act on general principles or because of personal bias regarding a person or subject – conflicts under the Act are based on financial interests. By thoroughly completing the Form 700, the official is on notice of the type of financial interests he or she holds that may cause a conflict of interest. If the official has no interests that governmental decisions can financially affect, the official will not have a conflict of interest.

The Public: Requiring officials to publicly disclose their financial interests allows the general public to monitor an official’s conduct. In other words, any individual citizen can obtain a copy of the Form 700 filed by their local or state official to determine whether the official has a conflict of interest with respect to a specific decision. This serves as an important enforcement mechanism for the Act’s disqualification requirements.

2. Understand the different types of financial interests that may be the basis for a conflict.

There are five types of interests⁹ that may result in disqualification:

- ***Business Investment, Employment or Management.*** An official has a financial interest in a business entity in which the official, or the official’s spouse, registered domestic partner, or dependent children or an agent has invested \$2,000 or more.¹⁰ An official also has a financial interest in a business entity for which the official is a director, officer, partner, trustee, employee, or holds any position of management.
- ***Real Property.*** An official has a financial interest in real property in which the official, or the official’s spouse, registered domestic partner, or dependent children, or an agent has invested \$2,000 or more, and also in certain leasehold interests of terms of more than a month (excluding a month-to-month lease and leases for terms of less than a month).¹¹
- ***Sources of Income.*** An official has a financial interest in anyone, whether an individual or an organization, from whom the official has received (or from whom the official has been promised) \$500 or more in income within 12 months prior to the decision. A “source of income” includes a community property interest in the spouse’s or registered domestic partner’s income. Therefore, a person from

whom the official's spouse or registered domestic partner receives income of \$1,000 or more, such that the official's community property share is \$500 or more, may also be a source of a conflict of interest.¹²

In addition, if the spouse, registered domestic partner or dependent children own 10 percent of more of a business, the official is considered to be receiving "pass-through income" from the business's clients. In other words, under such circumstances, the business's clients may be considered sources of income to the official as well.

- **Gifts.** An official has a financial interest in anyone, whether an individual or an organization, who has given gifts to the official that total \$460 or more¹³ within 12 months prior to the decision.
- **Personal Finances.** An official has a financial interest in decisions that affect the official's personal expenses, income, assets, or liabilities, as well as those of the official's immediate family. This is known as the "personal financial effects" rule.

Quick Tip:

Not all of the financial interests that may cause a conflict of interest are disclosed on a Form 700. A good example is an official's home. It is common for financial effects on an official's home to trigger a conflict of interest. Officials are not, however, required to disclose their home on the Form 700.¹

3. Consider whether the decision's effect on the official's financial interest is reasonably foreseeable and material.

The next steps all focus on the specific governmental decision in question. At the heart of deciding whether an official has a conflict of interest in a specific decision is determining whether an effect on the financial interest is reasonably foreseeable (might realistically happen or is too remote a possibility) and is material (financially important enough). Determining whether a decision's effects are foreseeable and material will depend on the nature of the specific decision and the relationship of the official's interest to the effects of the governmental decisions.

IS IT REASONABLY FORESEEABLE?¹⁴

Is it a realistic possibility that the decision will actually affect the official's financial interest or is it too remote or theoretical? Two alternative tests answer this question depending on whether an interest is explicitly involved in a decision.

<p><u>An Interest is Explicitly Involved in a Decision If:</u></p> <ol style="list-style-type: none"> 1) The interest is a named party in or the subject of a governmental decision, or 2) The decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the interest, or 3) The decision affects the real property of the official as described in Regulation 18702.2(a)(1)-(6). 	<p><u>Then</u></p> <p>It is reasonably foreseeable that the decision will have a material financial effect on the interest.</p>
<p><u>If Not Explicitly Involved in the Decision</u></p> <p>All other decisions, other than those above, are considered not explicitly involved in the decision.</p>	<p><u>Then</u></p> <p>If an interest is not explicitly involved in a decision, the financial effect on the interest is reasonably foreseeable only if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. A financial effect need not be likely to be considered reasonably foreseeable. However, if the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable.</p>

Quick Tip:

For purposes of being vigilant to avoid conflict of interest decisions, keep the general rule in mind – if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable.

IS IT MATERIAL?

The FPFC has adopted various rules (general and specific) for deciding what kinds of financial effects are important enough to trigger a conflict of interest. Generally, for each of the five interests set forth above, a separate materiality standard exists. The following charts reflect the materiality standards that apply to each type of interest.

Interests in Business Entities¹⁵

(Including investments in, employment or positions with, or income from business entities)

If Business Explicitly Involved = Financial Effect Assumed to be Material

A material financial effect is assumed if the business:

- 1) Initiates the proceeding by filing an application, claim, appeal, or request for other government action;
- 2) Offers to make a sale of a service or a product to the official's agency;
- 3) Bids on or enters into a written contract with the official's agency;
- 4) Is the named manufacturer in a purchase order of any product purchased by the official's agency or the sales provider of any products to the official's agency that aggregates to \$1,000 or more in any 12-month period;
- 5) Applies for a permit, license, grant, tax credit, exception, variance, or other entitlement that the official's agency is authorized to issue;
- 6) Is the subject of any inspection, action, or proceeding subject to the regulatory authority of the official's agency; or
- 7) Is otherwise subject to an action the official's agency takes, the effect of which is directed solely at the business entity in which the official has an interest.

NOTE: In all other circumstances, the business is considered not explicitly involved in the decision and the financial effect is not assumed to be material.

⊗ Not Assumed Material if Business Not Explicitly Involved

In all other cases, a financial effect is material *if* a prudent person with sufficient information would find it is reasonably foreseeable that the decision's financial effect would contribute to a change in the price of the entity's publicly traded stock, or the value of a privately-held business entity.

Interests in Real Property¹⁶

NOTE: There are different materiality standards depending on whether it is an ownership or leasehold interest.

Ownership Interests in Real Property

The decision:

- 1) Involves adopting or amending a general or specific plan, that includes the official's property;
- 2) Determines the property's zoning or rezoning, annexation or de-annexation, or inclusion in or exclusion from any city, county, district, or other local government subdivision, or other boundaries (other than a zoning decision applicable to all properties designated in that category);
- 3) Imposes, repeals, or modifies any taxes, fees, or assessments that apply to the property;
- 4) Authorizes the sale, purchase, or lease of the property;
- 5) Involves the issuance, denial or revocation of a license, permit or other land use entitlement authorizing a specific use of or improvement to the property or any variance that changes the permitted use of, or restrictions placed on it;

NOTE: For a financial effect resulting from a governmental decision regarding permits or licenses issued to the official's business entity when operating on the official's real property, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead.

- 6) Involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the property in which the official has an interest will receive new or improved services that are distinguishable from improvements and services that are provided to or received by other similarly situated properties in the official's jurisdiction or the official will otherwise receive a disproportionate benefit or detriment by the decision.

A material financial effect is assumed if...

<p>Unless it is nominal, inconsequential or insignificant, a material financial effect is also assumed if...</p>	<p>The decision:</p> <ol style="list-style-type: none"> 1) Changes the development potential of the real property; 2) Changes the income-producing potential of the real property; <p>NOTE: If the real property contains a business entity, including rental property, and the nature of the business entity remains unchanged, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead.</p> <ol style="list-style-type: none"> 3) Changes the highest and best use of the parcel of real property in which the official has a financial interest; 4) Changes the character of the parcel of real property by substantially altering traffic levels or intensity of use, including parking, of property surrounding the official's real property parcel, the view, privacy, noise levels, or air quality, including odors, or any other factors that would affect the market value of the real property parcel in which the official has a financial interest; 5) Affects real property value located within 500 feet of the official's property line. However, if the real property is commercial property and contains a business entity, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead.¹⁷ 6) Causes a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property.
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Leasehold Interests in Real Property¹⁸

<p>A material financial effect is assumed if...</p>	<p>The decision:</p> <ol style="list-style-type: none"> 1) Changes the termination date of the lease; 2) Increases or decreases the potential rental value of the property; 3) Increases or decreases the rental value of the property, and official has right to sublease it; 4) Changes the official's actual or legally allowable use of the real property; or 5) Impacts the official's use and enjoyment of the real property.
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Sources of Income

NOTE: There are different standards depending if income is for goods and services or the sale of personal or real property.

Income Received for Goods and Services Provided in the Ordinary Course of Business, including a Salary¹⁹

<p>A material financial effect is assumed if...</p>	<p>The source of income is:</p> <ol style="list-style-type: none"> 1) A claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding; 2) An individual and the individual will be financially affected under the standards applied to an official in Regulation 18702.5, or the official knows or has reason to know that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to those financial interests in Regulation 18702.1 or 18702.2, respectively; 3) A nonprofit that will receive a measurable financial benefit or loss, or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the standards applied to a real property interest in Regulation 18702.2; or 4) A business entity and the business will be financially affected under the standards applied to a business interest in Regulation 18702.1.
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Income from the Sale of Personal or Real Property of the Official or the Official's Spouse if Community Property²⁰

<p>A material financial effect is assumed if...</p>	<p>The official knows or has reason to know that the source of income:</p> <ol style="list-style-type: none"> 1) Is a claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding; 2) Has an interest in a business entity that will be financially affected under the standards applied to a financial interest in Regulation 18702.1; or 3) Has an interest in real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.2.
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Sources of Gifts²¹

(Including Gifts from Individuals, Nonprofits, and Business Entities)

A material financial effect can be assumed if...	<p>The source is:</p> <ol style="list-style-type: none"> 1) A claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding; 2) An individual who will be financially affected under the standards applied to an official in Regulation 18702.5, or the official knows or has reason to know that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to those interests in Regulation 18702.1 or 18702.2, respectively; 3) An nonprofit that will receive a measurable financial benefit or loss, or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.5; or 4) A business entity will be financially affected under the standards in Regulation 18702.1.
--	---

Interests in Personal Finances²²

(Including the Personal Finances of Immediate Family Members)

The financial effect is material if...	The official or the official's immediate family member will receive a measurable financial benefit or loss from the decision unless it is nominal, inconsequential, or insignificant.
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Quick Tip:

There are many rules and many exceptions (so numerous we can't discuss them all here). At a big picture level, remember:

- In most cases, if the financial interest is directly or explicitly involved in the decision, the materiality standard is met. This is because an interest that is directly or explicitly involved in a governmental decision presents a more obvious conflict.
- On the other hand, if the financial interest is not directly or explicitly involved, the materiality standard is generally based on a reasonable person standard.

4. Consider whether an exception applies.

Once an official has determined that he or she has a conflict of interest in a particular decision, the official can examine if an exception permits the official's participation despite the conflict. Not all conflicts of interest prevent the official from lawfully taking part in the government decision.

- *The Public Generally Exception:*²³ Even if an official otherwise has a conflict of interest, the official is not disqualified from the participating in the decision if the "public generally" exception applies. This public generally exception applies when the financial effect on a public official or the official's interests is indistinguishable from its effect on the public generally.

NOTE: The "public generally" exception must be considered with care. An official may not just assume that it applies. There are rules for identifying the specific segments of the general population with which the official must compare the official's financial interest, and specific rules for deciding whether the financial impact will uniquely affect the public official as compared to the public generally. Again, officials should contact their agency counsel or the FPPC concerning these specific rules.

- *Legally Required to Participate:*²⁴ Even if an official has a disqualifying conflict of interest, is the participation legally required? In certain rare circumstances, an official may be called upon to take part in a decision despite the fact that the official has a disqualifying conflict of interest. This "legally required participation" rule applies only in certain very specific circumstances in which the government agency would be paralyzed or unable to act. The FPPC or the agency's counsel must generally make this determination and will instruct the official on how to proceed.

A conflict of interest exists, what now?

Once an official determines that they have a conflict of interest and that an exception does not apply, the official must disqualify from all of the following:²⁵

- *Making the governmental decision.* A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency.

Conflicts of Interest

- *Participating in making the governmental decision.* A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.
- *Influencing the governmental decision.* A public official uses his or her official position to influence a governmental decision if he or she: contacts or appears before (1) any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or (2) any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

Certain officials (including city council members, planning commissioners, and members of the boards of supervisors) have a mandated manner in which they must disqualify from a decision.²⁶ They must publicly identify in detail the interest that creates the conflict, step down from the dais, and must then leave the room. The official must identify the interest following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences.

If the decision is to take place during a closed session, the identification of the financial interest must be made during the public meeting prior to the closed session but is limited to a declaration that the official has a conflict of interest. The financial interest that is the basis for the conflict need not be disclosed. The official may not be present during consideration of the closed session item and may not obtain or review any nonpublic information regarding the decision.

There are limited exceptions that allow a public official to participate even when a conflict is present, such as participating as a member of the general public, speaking to the press, or discussing one's own governmental employment. The exceptions are limited and fact-specific, and may require advice from the agency's counsel or the FPPC.

Generally speaking, here are the keys for public officials to meet their obligations under the Act's conflict of interest laws:

- Know the purpose of the law, which is to prevent biases, actual and apparent, that result from the financial interests of the decision-makers.
- Learn to spot potential trouble early. Understand which financial interests could give rise to a conflict of interest.

- Understand the “big picture” of the rules. For example, know why the rules distinguish between explicitly involved interests, and why the public generally exception exists.
- Realize the importance of the facts. Deciding whether an official has a disqualifying conflict of interest depends just as much - if not more - on the facts of the particular situation as it does on the law.
- Don’t try to memorize all of the specific conflict of interest rules. The rules are detailed, and the penalties for violating them are significant. Rather, look the rules up or ask about the particular rules applicable to a given case.
- Ask for advice. It is available from the agency’s legal counsel and from the FPFC.

Where to go for help?

Email Advice (informal)	advice@fpfc.ca.gov
Written Advice (formal and informal)	Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814

¹ The Political Reform Act is contained in Government Code §§ 81000 - 91014, and all statutory references are to this code. The FPPC regulations are contained in §§ 18110 - 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Enacted through Proposition 9 at the June 4, 1974 Primary Election.

³ § 81001.

⁴ § 87100.

⁵ *Witt v. Morrow* (1977) 70 Cal. App. 3d 817 at 822-823: "Morrow asserts it is unconstitutional to automatically disqualify a public official from participating in decisions which may affect the investments of an entity which pays him However, the whole purpose of the Political Reform Act of 1974 is to preclude a government official from participating in decisions where it appears he may not be totally objective because the outcome will likely benefit a corporation or individual by whom he is also employed."

⁶ § 82048.

⁷ § 83115.

⁸ § 81002(c).

⁹ § 87103.

¹⁰ Under § 87103, an official has an "indirect interest" in real property owned by a business entity or trust in which the official, the official's immediate family, or their agents own directly, indirectly, or beneficially a 10-percent interest or greater.

¹¹ § 82033.

¹² § 82030.

¹³ The Commission adjusts the gift threshold on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index.

¹⁴ Regulation 18701.

¹⁵ Regulation 18702.1

¹⁶ Regulation 18702.2(a).

¹⁷ Particular facts can rebut this presumption depending on advice given by the FPPC.

¹⁸ Regulation 18702.2(b).

¹⁹ Regulation 18702.3(a).

²⁰ Regulation 18702.3(b).

²¹ Regulation 18702.4.

²² Regulation 18702.5.

²³ Regulation 18703.

²⁴ § 87101 and Regulation 18705.

²⁵ Regulation 18704.

²⁶ § 87105 and Regulation 18707 applicable to persons holding positions specified in § 87200.

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 2:15 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Shopoff EIR

AGENDA COMMENT

From: larry mcneely <lmwater@yahoo.com>
Sent: Thursday, October 24, 2019 1:50 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Shopoff EIR

I along with many others in our community are disappointed in the planning commission approval for this project. It looked to me this approval was a foregone conclusion before the meeting ever started. This project looks to be green lighted by the city staff and the direction of the meeting was swayed by this support. While there were many reasons to deny this project one stands out, our own requirement that building and development restrictions apply being next to a Toxic site as Mr Ray pointed out. It was no surprise that the benefactors of the Shopoff money and influence were going to vote in favor. Shopoff has rewarded Barbara Delgleize, Michael Posey and Patrick Brenden with campaign donations and the HB Chamber of Commerce PAC money. The developers have made promises "quid pro quo" of the area improvements to further sway the vote. This project should be denied there is no public benefit beyond the developers bribes. My count of the public comments are 10 people who support this project 22 who opposed this project and 8 shills brought in from outside our city to support this project (not counting the emails and letters). It was clear that Posey Delgleize and Brenden made every effort to stack the deck in their favor with these people (shills) who do not live here and a few that are not effected. Our own HB Chamber of Commerce Developers and Special Interests Lobbying group came to support this project my question did this Chamber take a vote of its members? when a businesses joins the chamber to network are they giving a go ahead to them to support projects that they may not agree with? It is clear to me this decision was bought and paid for by the developer and the public will was ignored. Yes the Shopoff money bought you votes but the public and the community are the ones who voted listen to them. No monster development on the banks of our protected wetlands we need open areas and open skylines and this Toxic site next door will continue to cause harm and potential Law Suites in the future history has proved this. I am counting on the few who have not been bought by the developers and to Deny this project when it comes before you for a vote.

Thank You
Larry Mc Neely

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS# 2(19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Friday, October 25, 2019 8:07 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm/Shopoff Realty

AGENDA COMMENT

From: Kate Bonnevie <skbonnevie@yahoo.com>
Sent: Thursday, October 24, 2019 9:26 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm/Shopoff Realty

Dear HB Council members

Thank you for your service to Huntington Beach.

I am a 35 year SEHB Resident, having grown up here as a kid and now raising my own family here in SE Huntington.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project. It is simply unconscionable! Putting homes and families next to one of the most toxic dumps in Ca is repugnant. Don't be a bunch of sellouts! Stop the trend. These developers don't care about our community - health, environmental impacts, quality of life - it's all bottom-line.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Vote "no" on the Magnolia Tank Farm Project.

We're paying attention to this next vote.

Regards,
Kate Bonnevie
19661 Waterbury Lane
Huntington Beach, Ca 92646
714-323-3849

SUPPLEMENTAL COMMUNICATION

[Sent from Yahoo Mail for iPhone](#)

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Friday, October 25, 2019 8:12 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Proposed zone change

AGENDA COMMENT

From: mark grundman <fyregy@yahoo.com>
Sent: Thursday, October 24, 2019 9:33 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Proposed zone change

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Dear Councilperson,

Thank you for your service to Huntington Beach.

My name is Mark Grundman and I'm a resident of Huntington Beach. I am a retired Fire Chief with 36 years of fire service.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I oppose this project 100 percent and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons:

Proper preparation has not been accomplished. Smoke and mirrors have been presented as truths. Proper sampling has NOT been completed. See Huntington Beach Fire Department recommendation. You pay them for a reason, please act on their recommendations.

There is NO WAY the land adjacent to ASCON is safe for people to occupy.

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation and have NOT been properly assessed.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "NO" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Mark Grundman

20401 Meander Lane
Huntington Beach, Ca 92646

714-272-6966

Fyregy@yahoo.com

[Sent from Yahoo Mail for iPhone](#)

Esparza, Patty

From: Dombo, Johanna
Sent: Friday, October 25, 2019 8:13 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: No on tank farm

AGENDA COMMENT

From: jeff gr <grimm1on@yahoo.com>
Sent: Thursday, October 24, 2019 6:55 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: No on tank farm

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2/19-852)

Dear Councilperson,

Thank you for your service to Huntington Beach.
I am a California Land Surveyor. And have lived in SE HB for over. 7 years.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons: (Delete, add, expand, rephrase as needed)

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Jeffrey Grimm

8722 Hatteras Dr
HB 92646

Grimmlon@yahoo.com

[Sent from Yahoo Mail for iPad](#)

Esparza, Patty

From: Dombo, Johanna
Sent: Friday, October 25, 2019 8:14 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm and Shopoff Realty Project

AGENDA COMMENT

From: bbarrio1 <bbarrio1@verizon.net>
Sent: Thursday, October 24, 2019 6:26 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm and Shopoff Realty Project

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: SS#2/19-852

Dear Councilperson,

Thank you for your service to Huntington Beach.

My name is Bonnie Barrio. I have been a resident of Huntington Beach for 26 years. I live a mile and a half from this site.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons:

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project.

Protect our precious community!

Bonnie and Robert Barrio
8532 Masters Drive
Huntington Beach

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone

Esparza, Patty

From: Dombo, Johanna
Sent: Monday, October 28, 2019 7:51 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

Importance: High

AGENDA COMMENT

From: Gary Tarkington <garytarkington@msn.com>
Sent: Sunday, October 27, 2019 7:19 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm
Importance: High

Dear Councilperson,
Thank you for your service to Huntington Beach. My name is Ann Tarkington. I am a long time resident.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons:

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Ann Tarkington

9032 Annik Drive

Huntington Beach, 92646

garytarkington@msn.com

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Monday, October 28, 2019 8:19 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Farm/Shopoff Development

AGENDA COMMENT

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

From: Helen Vals <yellowluke@aol.com>
Sent: Saturday, October 26, 2019 4:15 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Farm/Shopoff Development

Council Members,

My family home is one street over from Magnolia just below Banning.

All of the planned development on the top of a toxic waste site seems like great potential for future law suits for the City of Huntington Beach.

The best use of that site would be a park. We have no park for our community. We have enough housing and traffic. Our neighborhood has become a beach parking lot.

Enough is enough. We are in opposition to this development!

Helen Valsamakis
Marina Valsamakis x

Sent from my iPhone

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 / 19-852

Esparza, Patty

From: Dombo, Johanna
Sent: Monday, October 28, 2019 8:19 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

**SUPPLEMENTAL
COMMUNICATION**

AGENDA COMMENT

Meeting Date: 11/18/19

From: Richard Schnur <rhschnur@aol.com>
Sent: Saturday, October 26, 2019 11:11 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Fwd: Magnolia Tank Farm

Agenda Item No.: SS#2(19-852)

As a resident adjacent to all the construction and planned construction in the tank farm area please STOP any new building in this area. Clean up the mess first. Our environment is compromised.

Richard Schnur

Begin forwarded message:

From: Mark Dixon <ncsmt2014@gmail.com>
Date: October 26, 2019 at 10:57:13 AM PDT
To: City.council@surfcity-hb.org
Cc: editor@latines.com
Subject: Magnolia Tank Farm

Dear members of the Huntington Beach City Council:

Enough! South of Hamilton between Newland and Brookhurst contains an extremely high concentration of high-volume industrial activity.

This area also contains the largest concentration of toxic waste in Surf City. This affects the environment upon which citizens live, from the very young to the very old.

Seepage under the Ascon fence is already measureable and unless it is properly managed it will affect the residents of the tank farm project if it is approved.

I'm not against development of our beautiful city, but I will strongly oppose development adjacent to and on top of harmful toxic waste. Please consider the health and well-being of current and future residents by blocking development of the Magnolia Tank Farm until public safety is ensured.

Please, also consider the extreme noise pollution from AES and the proposed Poseidon plant.

In addition, I have equal concern for increased traffic in a school zone and surrounding area, and the noise from an additional 300 or so residents and vehicles in an already densely populated area.

Respectfully,

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

MWD

Esparza, Patty

From: Dombo, Johanna
Sent: Monday, October 28, 2019 8:20 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

AGENDA COMMENT

**SUPPLEMENTAL
COMMUNICATION**

From: Mark Dixon <ncsmt2014@gmail.com>
Sent: Saturday, October 26, 2019 10:57 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: editor@latines.com
Subject: Magnolia Tank Farm

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Dear members of the Huntington Beach City Council:

Enough! South of Hamilton between Newland and Brookhurst contains an extremely high concentration of high-volume industrial activity.

This area also contains the largest concentration of toxic waste in Surf City. This affects the environment upon which citizens live, from the very young to the very old.

Seepage under the Ascon fence is already measureable and unless it is properly managed it will affect the residents of the tank farm project if it is approved.

I'm not against development of our beautiful city, but I will strongly oppose development adjacent to and on top of harmful toxic waste. Please consider the health and well-being of current and future residents by blocking development of the Magnolia Tank Farm until public safety is ensured.

Please, also consider the extreme noise pollution from AES and the proposed Poseidon plant.

In addition, I have equal concern for increased traffic in a school zone and surrounding area, and the noise from an additional 300 or so residents and vehicles in an already densely populated area.

Respectfully,

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

MWD

Esparza, Patty

From: Dombo, Johanna
Sent: Monday, October 28, 2019 8:36 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Shopoff

AGENDA COMMENT

From: Sandra F <sandyfazio@gmail.com>
Sent: Friday, October 25, 2019 4:26 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Shopoff

Dear City Council:

As a resident of SEHB I feel like our area has been labeled as a throwaway area. We already have so much commercial activity here whats one more and one more and one more thing. City Council members have given away our neighborhood to Poseidon and Shopoff as we are asked to put up with Ascon and AES. And by the way....your complaints mean nothing.

I thought Huntington Beach was better than that.

Sandra Fazio
21612 Bahama Ln, Huntington Beach, CA 92646
714 272 5065

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 7:58 AM
To: Agenda Comment; De Coite, Kim
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Please stop the Magnolia tank farm project

AGENDA COMMENT

From: tpolkow <tpolkow@mindspring.com>
Sent: Wednesday, October 23, 2019 6:59 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Please stop the Magnolia tank farm project

My name's Tom Polkow, I live at 21772 Oceanview Lane Huntington Beach. Been a resident of Huntington Beach since 1970. I fully support Poseidon and the new AES plant, but building housing and retail on the tank farm at Magnolia is insanel!.

That property is industrial and should stay Industrial! It also takes a quiet corner of Huntington Beach and will impose all kinds of added traffic and noise, which will make the quality of living in this area drop precipitously. You folks should know when to stop... you can't build high-density on every single piece of property that pops up! Especially long time industrial property that has been subject to toxic activity for many many decades.

And who in their right mind would want to buy a home right next to a giant power plant and desalination plant?

So please reconsider this foolish, greedy move, and stop the Magnolia Tank Farm Project!

Thank you,
Tom Polkow
949-230-6710

Sent from my Verizon, Samsung Galaxy smartphone

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 7:59 AM
To: Agenda Comment; De Coite, Kim
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Concerned citizen @

AGENDA COMMENT

From: christine zeutzius <cz3boys@gmail.com>
Sent: Wednesday, October 23, 2019 8:26 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Christine Zeutzius <cz3boys@gmail.com>
Subject: Concerned citizen @

Dear City Council Members,

My name is Christine Zeutzius and I'm a 20 year, South Huntington Beach homeowner and resident. I'm also a 2nd grade teacher at Hawes Elementary School and our three boys attend Sowers Middle School and Edison High School. Since every part of my family's day is spent in South Huntington, I've been listening intently to all the information (and lack of information) coming from the Tank Farm/Shopoff Project.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

You know what is at stake. Please take a moment to ask yourself these honest questions. Would you desire to live next to this project or have your children attend a school across the street? Would you chose to move into the neighborhoods that border this project? If your answer is emphatically NO, then I urge you to vote "no" on the Magnolia Tank Farm Project.

It's time to protect South Huntington's present and future. We are all hopeful...and intently watching.

Christine Zeutzius
20381 Ravenwood Ln
HB CA 92646

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS# 2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 8:06 AM
To: Agenda Comment; De Coite, Kim
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm/Shopoff Realty project's EIR certification. VOTE NO

AGENDA COMMENT

From: Mary <mary.ransbury@gmail.com>
Sent: Wednesday, October 23, 2019 7:52 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm/Shopoff Realty project's EIR certification. VOTE NO

Dear Councilperson,

Thank you for your service to Huntington Beach.

My name is Mary Ransbury and I have lived in HB for over 18 years. I have worked as an RN for Huntington Beach Hospital, have worked as a CCOO for the only community trauma center along with many other hospitals in the surrounding area.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons: *(Delete, add, expand, rephrase as needed)*

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

908 Pecan Ave HB 92648

--

Regards

Mary Ransbury
714.580.8458

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 8:43 AM
To: Agenda Comment; De Coite, Kim
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

AGENDA COMMENT

From: Pat Riley <patrileys.com@gmail.com>
Sent: Thursday, October 24, 2019 8:35 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#(19-852)

Dear Councilperson,

Thank you for your service to Huntington Beach.

My name is Pat Riley. Our family has lived Hula Circle next to the corner of Banning and Magnolia since 1978. I am now here caring for my elderly Mother. I'm a singer-songwriter, global health advocate and a former health education specialist.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons:

1. Increased traffic congestion
2. Industrial noise pollution effects on all neighboring residents
3. Toxic environment Ascon health hazards
4. This area doesn't need another bar, restaurant, shopping, nor does Orange County need any more homes.

Sorry. Aren't there enough people in Orange County already? Really.

Do we want Huntington Beach to look like San Francisco? Hello!!!!

5. Threats of HB class action lawsuits due to unexpected health consequences

6. It would be better off as a affordable overflow beach parking lot for welcome visitors to the coast. This way they wouldn't have to park in our local neighborhoods. Another option would be to plant tall trees as a sound barrier and air cleaner. Green space. *Everything should not be about making more money.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill plus the potential of a Poseidon plant.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Pat Riley
22042 Hula Circle Huntington Beach California 92646
615-397-0297

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 11:24 AM
To: De Coite, Kim; Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm

AGENDA COMMENT

SUPPLEMENTAL COMMUNICATION

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

From: stephanie stichka <stephanie.stichka@gmail.com>
Sent: Thursday, October 24, 2019 11:15 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm

Meeting Date: 11/18/19

Agenda Item No.: SS#2(19-852)

Dear Councilperson,

Thank you for your service to Huntington Beach.

I am a lifelong HB resident, wife, and mother of two young kids so this issue hits close to home for me. I want my kids to thrive and prosper in a healthy environment.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Stephanie Stichka
8371 Castilian Dr
Huntington Beach, CA 92646

Esparza, Patty

From: Dombo, Johanna
Sent: Thursday, October 24, 2019 11:56 AM
To: De Coite, Kim; Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Planning Commission

AGENDA COMMENT

SUPPLEMENTAL COMMUNICATION

From: Carole Riggs <cocoriggs50@gmail.com>
Sent: Thursday, October 24, 2019 11:51 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject:

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Dear Councilperson,

Thank you for your service to Huntington Beach.

My name is Carole Riggs, I'm a 45 year resident of Huntington Beach. I raised my three children here, my youngest graduated from Edison High School. I was diagnosed with Apical Pleural Thickening on August 4th of this year. I believe due to inhaling contaminants from the remediation that began in January at the Ascon dump site.

I am extremely concerned that the appointed Planning Commission voted 5-2 in favor of recommending Magnolia Tank Farm/Shopoff Realty project's EIR certification.

I vehemently oppose this project and ask that you do so as well, when this project comes before you on December 16 for adoption.

I stand against this project for the following reasons:

A 3-story "lodge", requiring 3000 piles driven into the ground to build, next to fragile, toxic waste pits - is unsafe, unsightly, and unacceptable in its location across the street from Edison High School.

Over 250 medium density homes do not belong just feet from a noisy, pollution-generating power plant; nor should innocent families be sold a home adjacent to one of the most toxic landfills in California. There is off-gassing of chemicals and chemical migration underneath the soil that will never be resolved. Soil gases will put these families in extreme danger of toxic exposures and resulting diseases.

In addition, Eader Elementary School already experiences high levels of PM10 pollution, at times to unhealthy levels. This project will further raise pollution for our most fragile citizens - our children.

The traffic and parking issues of this project are beyond mitigation.

The residents of South Huntington Beach bear more than their share of air, soil and noise pollution, due to the AES power plant and the Ascon Landfill.

Please, vote "no" on the Magnolia Tank Farm Project. Protect our precious community!

Your Neighbor,

Carole Riggs

21851 Newman's #290

Huntington Beach 92646

714 2749742

Estanislau, Robin

From: Dombo, Johanna
Sent: Tuesday, October 22, 2019 9:21 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Magnolia Tank Farm vote

AGENDA COMMENT

From: MARY JULIENNE <mjsfishstick@msn.com>
Sent: Tuesday, October 22, 2019 9:15 AM
To: Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Magnolia Tank Farm vote

City planners and council,

You represent the entire city of Huntington Beach and need to vote against the Magnolia Tank Farm project. This project is separated from the toxic Ascon landfill by a chain link fence. This land has been continually flooded with toxic Ascon runoff and chemical vapors which will continue past cleanoff for decades just like Love Canal.

This project is located in flood, earthquake liquefaction and methane-releasing zones and backs up to the protected wetlands which were only recently recovered from years of neglect and artificial drying out. Your NO vote will ensure that Love Canal does not occur again making the city of Huntington Beach liable for billion dollar litigation in damages and loss of life adding homes and hotel to the toxic swamp.

DO NOT REZONE! Voters are watching you and your response to this ill fated attempt by Shopoff. VOTE NO!!!

Mary & Don Julienne

21172 Poston Lane

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Estanislau, Robin

From: Dombo, Johanna
Sent: Tuesday, October 22, 2019 9:03 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Tank farm

AGENDA COMMENT

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

From: Kathleen Brown <heykathybrown@gmail.com>
Sent: Tuesday, October 22, 2019 9:01 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Tank farm

Please vote to DENY until completely remediate. Too much risk until then. No harm in waiting.

Thank you!

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11/18/19

Agenda Item No.: SS#2(19-852)

Estanislau, Robin

From: Dombo, Johanna
Sent: Thursday, October 17, 2019 2:17 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: **Magnolia Tank Farm** / Hopeful cooler heads and a well thought out actionable plan are in our future
Attachments: Letter to HB City Leaders from David Wetzel.pages

**SUPPLEMENTAL
COMMUNICATION**

AGENDA COMMENT

Meeting Date: 11/18/19

From: David Wetzel <davidwwetzel@gmail.com>

Sent: Thursday, October 17, 2019 2:14 PM

Agenda Item No.: SS# 2 (19-852)

To: Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Semeta, Lyn <Lyn.Semeta@surfcity-hb.org>; Brenden, Patrick <Patrick.Brenden@surfcity-hb.org>; Carr, Kim <Kim.Carr@surfcity-hb.org>; Delgleize, Barbara <Barbara.Delgleize@surfcity-hb.org>; Hardy, Jill <Jill.Hardy@surfcity-hb.org>; Posey, Mike <Mike.Posey@surfcity-hb.org>; Fikes, Cathy <CFikes@surfcity-hb.org>; Ramos, Ricky <rramos@surfcity-hb.org>; Planning Commission <planning.commission@surfcity-hb.org>; CITY COUNCIL <city.council@surfcity-hb.org>

Subject: Magnolia Tank Farm / Hopeful cooler heads and a well thought out actionable plan are in our future

October 16th, 2019

RE: Magnolia Tank Farm

Dear Huntington Beach Planning Commission Members, City Council, and staff,

My name is David Wetzel and I have lived in Huntington Beach for 53 years, attending Eader, Gisler (Sowers) and Edison as a child, proudly putting our kids through those same schools. We have seen Huntington Beach evolve first hand over the years, sometimes struggling, often times rising to the occasion. I feel strongly the proposed new development, the Magnolia Tank Farm, is one of those moments we will look back on as a crossroads, proud we spoke up in favor of the project.

I would like the Tank Farm project to be successful as a part of the Southeast Huntington Beach community. I would like to see the benefits of this project come to fruition to the betterment of our community. The benefits far outweigh the short term inconveniences.

For the record, a few very outspoken individuals in our neighborhood do not speak for the more than 400-plus households in our corner of HB, let alone the more than 200,000 residents of the city. The majority of the residents in our Southeast corner of HB are very aware of the continued social media rhetoric being shared, but simply wish not to be singled out for disagreement. It is sad reality of social media. Please be aware of this trend.

I understand that the Coastal Commission and the city's LCP requires the Magnolia Tank Farm development to provide visitor-serving uses. Given a choice, I feel an all residential final plan would be a best fit for our area. If that is not a viable final plan, I would support the small low profile boutique hotel that I have seen in conceptual drawings. The boutique hotel and local visitor guest access would be a compliment to our area and serve as a local meeting and gather location (coffee shop, restaurant / bar, etc).

I am aware the proposed Magnolia Tank Farm project would require zoning changes to this area. I would support those changes. My understanding, the property is currently zoned for Public use, which could entail the plausible construction of a senior living campus or similar. This would not compliment to our area. Knowing the land is privately owned, I am certain something will be build there. Hopeful to encourage good choices by our HB leadership, I am writing this note, to ensure the majorities voice is being heard.

We know there are issues in our area that are being addressed, ASCON, AES, Poisidon and Magnolia Tank Farm. They are independent issues that have been lumped together to create an unrealistic environment for any meaningful progress to be made. I would encourage our HB Planning Commission and City Council to weed through the emotional grandstanding and simply look at the facts and science. The wasted time and funds to bring these projects to completion is unto itself a lesson in deferring the responsibility to move forward.

I feel strongly the Tank Farm project would be benefit to our are and hopeful you will agree to approve the plans as presented.

Thank you for the gift of your time,

David Wetzel

Estanislau, Robin

From: Dombo, Johanna
Sent: Tuesday, October 15, 2019 7:54 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: No Tank Farm

AGENDA COMMENT

From: robin@blueprintsvmg.com <robin@blueprintsvmg.com>
Sent: Monday, October 14, 2019 5:50 PM
To: CITY COUNCIL <city.council@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



SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)

Estanislau, Robin

From: Dombo, Johanna
Sent: Wednesday, October 09, 2019 1:42 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Votes on the Shopoff Tank Farm Developments.

AGENDA COMMENT

From: larry mcneely <lmwater@yahoo.com>
Sent: Wednesday, October 09, 2019 1:34 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Votes on the Shopoff Tank Farm Developments.

As the votes come forward to our city council on the Shopoff Tank Farm Development. I think its time to raise the question of Conflict of Interests. Our City Council Member Barbara Delgleize has a clear Conflict of Interests in this project she is a local Realtor and has her office located in our city. Barbara Delgleize must Recuse from voting on this project as her conflict is clear by voting on this project would allow the addition of 250 Housing Units to the inventory of homes for sale in our city, this will benefit Barbara Delgleize personally and unduly benefit her Business, Staff and her Pocket Book. I ask that this be brought to our City Attorney for a opinion. If this vote is allowed to be made without Recuse this will be challenged as a violation of Conflict of Interests Laws. As many of you are aware the Shopoff Development has tried in many ways to stack the deck in his favor by making campaign donations and joining PACs to influence our elections. Shopoff has further made efforts to buy influence by making statements to agree to Pay for the Edison HS Pool Remodel. I think its time that we realize that we must end the Pay for Play and the Quid Pro Quo effects it has had on our decision makers. TIME FOR CHANGE.

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11/18/19

Agenda Item No.: SS#2 (19-852)