



City of Huntington Beach

File #: 18-327

MEETING DATE: 9/25/2018

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Ricky Ramos, Senior Planner

SUBJECT:
COASTAL DEVELOPMENT PERMIT NO. 16-016/CONDITIONAL USE PERMIT NO.16-034 (ASCON FINAL REMEDIATION) - To approve the final remedial action plan, aluminum fence along Hamilton Avenue and Magnolia Street, and gated access for Ascon.

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

PROPERTY OWNER:
Ian Robb, Cannery Hamilton Properties LLC, 6001 Bollinger Canyon Road, Room C2136, San Ramon, CA 94583

BUSINESS OWNER:
Not applicable

LOCATION:
21641 Magnolia Street, 92646 (southwest corner at Hamilton Avenue)

STATEMENT OF ISSUE:

1. Does the project satisfy all the findings required for approving a Coastal Development Permit and Conditional Use Permit?
2. Are the proposed final remedial action plan and fence along the street frontages compatible with the area?

RECOMMENDATION:

That the Planning Commission take the following actions:

A) Finds and determines that no additional environmental review is necessitated in that the

project is covered under the Environmental Impact Report for the Ascon Landfill Remedial Action Plan certified by the Department of Toxic Substances Control on June 18, 2015. Per Section 15162 of the CEQA Guidelines no further environmental review is required as no substantial changes are proposed with the project; therefore there are no new significant environmental effects nor a substantial increase in the severity of previously identified significant effects; and

B) Approve Coastal Development Permit No. 16-016 and Conditional Use Permit No. 16-034 with findings and suggested conditions of approval (Attachment No. 1).

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A) Continue Coastal Development Permit No. 16-016 and Conditional Use Permit No. 16-034 and direct staff to return with findings for denial.

B) Continue Coastal Development Permit No. 16-016 and Conditional Use Permit No. 16-034 and direct staff accordingly.

PROJECT PROPOSAL:

The project proposal is to implement the final remedial action plan for the Ascon landfill. In order to undertake the project proposal, the applicant requests the following entitlements:

- Coastal Development Permit (CDP) to implement the final remedial action plan for the site with grading involving more than 25,000 cubic yards of import/export within the Coastal Zone.
- Conditional Use Permit (CUP) to permit a 6 ft. tall aluminum fence with 6.5 ft. tall block pilasters at a 3 inch front setback along Hamilton Avenue and Magnolia Street instead of a minimum 15 ft. setback; and gated access to the site.

Background:

The Ascon Landfill Site is a vacant 38-acre property at the southwest corner of Magnolia Street and Hamilton Avenue (the "Site"). The Site operated as a waste disposal facility from 1938 through 1984. Since 1984, waste materials have not been accepted and the Site has remained a closed landfill facility. The Department of Toxic Substances Control (DTSC) is the lead agency overseeing the remediation of the Site. DTSC certified the Environmental Impact Report (EIR) and approved the Remedial Action Plan (RAP) for Ascon landfill in June 2015. The final phase of the RAP includes excavation and offsite disposal of waste, grading of the Site, construction of an engineered protective cap over the Site with a vapor collection system, a perimeter maintenance road, and two stormwater detention basins.

The project narrative (Attachment No. 5) provides a brief background of the previous activities at the Site and describes the main components of the final remediation, haul route, access, import/export volumes, and approximate timeline of at least 18 months to completion. The final remediation work, as described in this staff report, will be conducted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, with employee arrival, safety meetings, and workday preparations (e.g. equipment inspections) beginning as early as 6:00 a.m.

Upon completion of the final remediation, the Site will have a sloping drought-tolerant vegetated cap that rises gradually from the Magnolia and Hamilton street frontages to a maximum height of approximately 32 feet near the southwest (interior) corner of the site.

Entitlement History:

October 1991 - Planning Commission approved CUP 91-44 and CDP 91-25 for an Interim Removal Action Plan to remove hazardous waste from the landfill.

July 2005 - Director of Planning approved an emergency CDP and Administrative Permit No. 05-04 for an Emergency Action Workplan to strengthen the existing landfill berms.

August 2005 - Zoning Administrator approved CDP No. 05-16 to permit the repair of the existing landfill berms.

March 2010 - Zoning Administrator approved CDP No. 09-007 to permit the interim removal measure of tarry materials from two landfill lagoons.

May 2017 - Zoning Administrator approved CDP No. 17-006 to permit oil well abandonment and lagoon 5 solidification at the landfill.

Study Session:

The Planning Commission held a study session on the project on September 11, 2018 and requested the following additional information:

1. Aluminum fence gauge and life expectancy - The aluminum fence is comprised of rails, pickets, and posts with the following specifications:
 - Pickets: 1" sq. x .065" wall (wall thickness is approximately equivalent to a #16 gauge)
 - ForeRunner™ Rails: 1.75" x 1.75" x .070" wall (wall thickness is approximately equivalent to a #15 gauge)
 - Posts: 2.5" sq. x .080" wall (wall thickness is equivalent to a #14 gauge)

The proposed aluminum fence will be powder coated and has a lifetime warranty provided by the manufacturer against cracking/peeling, chipping, blistering, or corroding. The steel chain-link fence will have a 2" x 2" mesh size with number 11 gauge core sizing with galvanized steel. The chain-link fence will also be vinyl coated. The galvanized chain-link fence is expected to last 15 to 20 years. Repairs/replacement of the chain-link fence will be performed in accordance with the requirements of the operations and maintenance (O&M) plan.

2. Rodent barrier life expectancy - The biotic barrier is manufactured from high-density polyethylene (HDPE) and is anticipated to have a life expectancy greater than 100 years when buried, as designed. If the biotic barrier is damaged by a burrowing animal during the operation and maintenance period of the final cover then it will be repaired in accordance with the requirements of the O&M plan.

3. No parking signs along Ascon's Hamilton Avenue frontage - Prohibiting parking along Ascon's Hamilton Avenue frontage would require approval of a CDP and replacement of the lost parking spaces on a 1:1 basis because it is located in the coastal zone.
4. Height of existing industrial fence on the west side - The fence between the two industrial buildings located on the northwest boundary of the Site consists of an 8-ft tall chain link fence on top of a 40-inch tall cinder block wall.
5. Disposition of abandoned oil wells after remediation - A well vent has been installed over abandoned oil wells Pacific Ranch 1 and 1A in accordance with the City of Huntington Beach Fire Department City Specification #429 and Standard Plan 12.0. The top of the abandoned oil wells will be approximately 6 feet below the top of the final cap. A 3" diameter Sch. 40 PVC riser pipe will penetrate the cap to allow venting of the abandoned wells to the atmosphere.

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RM-sp (Residential Medium Density - Specific Plan Overlay)	SP10 (Magnolia Pacific Specific Plan)	Ascon Landfill
North of Subject Property (across Hamilton Avenue):	OS-P (Open Space Park)	OS-PR (Open Space Parks and Recreation), PS (Public-Semipublic), RA (Residential Agriculture)	Park, Fire Station
East of Subject Property (across Magnolia Street):	RL (Residential Low Density)	RL-CZ (Residential Low Density - Coastal Zone Overlay)	Single Family Residential
South of Subject Property:	P (Public)	PS-O-CZ (Public-Semipublic - Oil Overlay - Coastal Zone Overlay)	Vacant former tank farm (currently AES construction staging site)
West of Subject Property:	P, I (Industrial)	IL-O-CZ (Industrial Limited), IG-O-CZ (Industrial General), PS-O-CZ	Industrial, Flood Control Channel, AES Generating Station

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Residential Medium Density - Specific Plan Overlay. The proposed project is consistent with this designation because it only involves the final remediation of the property and no new development or land uses are proposed. It is also consistent with the goals, objectives, and policies of the City's General Plan as follows:

A. Coastal Element

Policy C 2.2.2: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Policy C 4.6.3: For new re-development, require the preservation of existing mature tree (as defined by the City's Landscape Ordinance). If preservation of existing mature trees is not feasible, require that removed trees be replaced at a minimum 2:1 ratio either on site, or elsewhere within the Coastal Zone, as prescribed by the City.

Objective C 4.7: Improve the appearance of visually degraded areas within the Coastal Zone.

Policy C 4.7.10: Encourage the remediation and cleanup of the NESI (Ascon) site. Work with other responsible agencies and property owner to facilitate site clean-up.

B. Natural and Environmental Hazards

Goal HAZ-5: Environmental cleanup and management of brownfield sites improves environmental quality of life, desirability of surrounding neighborhoods, economic development, and housing options in the community.

Policy HAZ-5(A): Continue to identify, map, and remediate existing hazardous waste sites and require remediation when a property is redeveloped.

The project will result in the remediation of the Site which will improve the environmental quality of life in the area as well as the visual appearance of the landfill by removing/capping environmental hazards. Upon completion of the remediation, the Site will be enclosed with a decorative fence along major right-of-ways and drought tolerant landscaping will be installed in substantial compliance with the Urban Design Guidelines, further enhancing the appearance of the Site. The remediation will result in the removal of existing landscaping including 14 mature trees. While 2:1 tree replacement onsite is not feasible due to the restrictions resulting from the remediation, a condition of approval is recommended to require the applicant to pay a fee to the City equivalent to the cost of planting 28 trees in the southeast area of the City within one year of the deposit. Coastal access through existing area roadways and sidewalks will remain throughout the remediation process.

Zoning Compliance:

Coastal Development Permit

The current view of the landfill from the street includes a chain link fence with a fabric screen, a berm, and vegetation that give it an irregular and unfinished appearance relative to the character of the established neighborhood. Completion of the Ascon final remediation will improve both the environmental quality of life in the area and the appearance of the Site consistent with the General Plan and Coastal Element. Materials which are incompatible with the remedial action plan will be removed and the remainder will be reconsolidated onsite and buried under a gently sloping vegetated cap. The applicant is proposing an export of up to 32,250 cubic yards and import of up to 225,000 cubic yards of material/soil. The cap has been sensitively designed to rise gradually from the Magnolia and Hamilton street frontages to a maximum height of approximately 32 feet near the

southwest (interior) corner of the site then gradually slopes back down towards the interior property lines. The proposed maximum cap height is slightly taller than the maximum height of 30 feet permitted for a single family dwelling in the Magnolia Pacific Specific Plan and in the RL zoning district to the east across Magnolia Street and is below the maximum height permitted (35 to 50 feet) in the surrounding non-residential zoning districts.

The landfill will be enclosed with a decorative aluminum fence with pilasters approximately every 50 feet with approximately 2-3 feet deep vegetative ground cover between the fence and access road along the street frontages to further enhance its appearance. The majority of the southern and western (interior) property lines will be enclosed with a dark colored vinyl coated chain link fence. The end result will be a cleaner, symmetrical, and more attractive appearance particularly along the street frontages where the Site is most visible. The proposed improvements will also be located further back from the existing paved travel lanes on Magnolia and Hamilton than the current condition. The currently unimproved street frontages will remain unimproved after completion of the remediation because there is no nexus to require the property owner to install curb, gutter, sidewalk, and paving improvements along the landfill street frontage.

The Site will be seeded with native vegetation that will not be irrigated to avoid surface water migration into the waste. The applicant has indicated that the landscaping will be maintained as needed to minimize soil erosion (Attachment No. 5). The applicant has also noted that they are required to submit an Operations and Maintenance Plan (OMP) for approval by DTSC. To protect the appearance of the site in the long term a condition is recommended to have staff review the relevant portions of the OMP to ensure maintenance of the landscaping and property (e.g. weed abatement, etc.).

The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. It is consistent with the CZ Overlay District, base zoning district, and Municipal Code except for the reduced front yard setback for the fence. No public access to the Site is required or desirable. No public recreational facilities exist at the Site and no opportunities for providing public recreational facilities exist presently. The Site is surrounded by previously developed properties. Public access and use signs are not required because the Site is not adjacent to recreation areas, public access ways, public use areas, or the shoreline. The project will not impede public access, recreation, or views to coastal resources. Coastal access through existing area roadways and sidewalks will remain throughout the remediation process. The Site does not have public views to and from the bluffs, to the shoreline/ocean, or to the wetlands. The project can be implemented and maintained using infrastructure such as roadways and utilities already provided in the area.

Lastly, there are Project Design Features, EIR mitigation measures (Attachment No. 7), code requirements (Attachment No. 6), and recommended conditions of approval (Attachment No. 1) pertaining to the following items that will mitigate the project's impacts to the area:

Project Design Features and EIR Mitigation Measures:

Air Quality -

- Equipment emissions reduction (PDF 2-1 through PDF -2-3, HAZ-1);
- Perimeter air monitoring plan (PDF 2-4);
- Comply with Air Quality Management District (AQMD) rules including dust/emissions control (PDF 2-6, 2-8, and 2-10);

- Temporary structure during excavation of Pit F to capture odors/emissions (PDF 2-7);
- Removal of loose debris from tire wells and truck exterior prior to departure (PDF 2-11);
- Follow approved haul route (PDF 2-12); and
- Implement odor complaint protocol (AIR-1).

Geology -

- Prepare a geotechnical evaluation for stability of cap slopes and other related issues (PDF 4-1);
- Prepare Health and Safety Plan (PDF 4-2); and
- Control soil erosion with Storm Water Pollution Prevention Plan (PDF 4-3).

Groundwater -

- Terminate excavation if groundwater were encountered and backfill (except Pit F) (PDF 7-4); and
- Long-term monitoring (PDF 7-6).

Noise -

- Use equipment noise mufflers (PDF 9-1);
- Minimize engine idling as feasible (PDF 9-2);
- Blower noise control (Noise-1); and
- Cap equipment noise control (Noise-2).

Traffic -

- Prepare construction traffic management/haul route plan (PDF 10-1);
- Ongoing communication with Edison High School (PDF 10-4);
- Use traffic control signage and flagmen (PDF 10-6);
- Signage for pedestrians and cyclists (PDF 10-7 and 10-8); and
- Limit truck trips during PM peak hours of 4 to 6 p.m. (TRAF-1).

Code Requirements:

- Comply with Fire Department Specification #431-92 (Soil Cleanup Standards), #401 (Fire Access), and #403 (Gate Access).
- Submit a Water Quality Management Plan to the Public Works Department.
- Grading/erosion control plan shall abide by AQMD's Rule 403 as related to fugitive dust control.
- Post signs on the perimeter of the Site with project manager contact information.
- Wet down areas for dust control.
- Cover or apply water to haul trucks for dust control.
- Install wind barriers along site perimeter.

Conditions:

- Restriction on grading and construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m. Employee arrival, safety meetings, and work day preparations (e.g. equipment inspections) can begin as early as 6:00 a.m.
- Applicant to send a public notice with project timeline, contact person, and number to report any public concerns.

- Applicant to document, investigate, evaluate and attempt to resolve all legitimate project-related noise complaints.
- All truck/vehicular stacking, staging, and parking shall be onsite only.

Staff recommends approval of the CDP based on the reasons discussed above.

Conditional Use Permit

The applicant is requesting the reduced front setback for the decorative aluminum fence because providing the required 15 ft. setback would force the overall grading operations further back and result in an increased height of the vegetated cap. However the southwest portion of the cap cannot be raised further due to geotechnical stability concerns. The additional setback would also impact the access road located behind the fence that is needed for long-term operation and maintenance of the cap. In addition to the decorative aluminum fence proposed along the street frontages, a 6 ft. tall vinyl coated chain link fence is proposed along the majority of the south and west property lines except where existing industrial buildings and fencing adjoin the western boundary of the site.

The proposed fence complies with the required visibility triangle at the corner of Magnolia Street and Hamilton Avenue. It is also designed in substantial compliance with the Urban Design Guidelines by incorporating attractive materials, an open view design with block pilasters every 50 ft., and some ground cover which soften its appearance. The vinyl coated chain link fence proposed along the majority of the south and west interior property lines is not very visible from the street. The gated site access provides adequate vehicle stacking of over 40 feet and will comply with Fire and Police Department emergency access requirements.

The reduced fence setback is also compatible with the perimeter tract walls of the nearby residential areas which also do not have any setbacks along Magnolia Street and Hamilton Avenue. It is consistent with the General Plan objectives and policies which encourage the remediation of the Site and improving the appearance of a visually degraded site by replacing the existing chain link fence and fabric screen with a decorative aluminum fence and pilasters that are in substantial compliance with the Urban Design Guidelines. Staff recommends approval of the CUP based on the reasons cited above.

Urban Design Guidelines Conformance:

See above.

Environmental Status:

The project is covered under the EIR for the ASCON Landfill RAP (State Clearinghouse No. 2013041010) certified by the Department of Toxic Substances Control in June 2015. Per Section 15162 of the CEQA Guidelines no further environmental review is required as no substantial changes are proposed with the project; therefore there are no new significant environmental effects nor a substantial increase in the severity of previously identified significant effects.

Coastal Status:

The proposed project is within the appealable portion of the Coastal Zone. CDP No. 16-016 is being processed pursuant to Chapter 245 of the HBZSO. The proposed project complies with the zoning code and Coastal Zone requirements and will implement the Coastal Element objective and policies as outlined in the General Plan Conformance section of this report.

Design Review Board:

On August 9, 2018 the Design Review Board reviewed the design, colors, and materials of the 6 ft. tall perimeter fence for the project and recommended approval to the Planning Commission as proposed.

Subdivision Committee:

Not applicable.

Other Departments Concerns and Requirements:

The Departments of Public Works, Fire, Police, and the Building Division have reviewed the project and identified applicable code requirements (Attachment No. 6).

Public Notification:

Legal notice was published in the Huntington Beach Wave on September 13, 2018 and notices were sent to property owners of record and tenants within a half mile radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of September 18, 2018 no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
July 18, 2018	Not applicable

SUMMARY:

Staff recommends that the Planning Commission approve Coastal Development Permit No. 16-016 and Conditional Use Permit No. 16-034 with findings and suggested conditions of approval (Attachment No. 1).

This recommendation is based on the following:

- The project will improve the environmental quality of life in the area and visual appearance of the Site.
- The grading and vegetated cap are designed to enhance the Site and be reasonably compatible with the area.
- Project design features, mitigation measures, code requirements, and conditions will mitigate impacts to the area.
- The project is consistent with the General Plan goals, objectives, and policies.
- The project is consistent with the CZ Overlay District, base zoning district, and Municipal Code.
- The project will not impede public access, recreation, or views to coastal resources.
- The fence along Hamilton and Magnolia complies with the visibility triangle and Urban Design Guidelines.
- The gated access provides adequate stacking and will comply with Fire and Police Department emergency access requirements.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval - CDP16-016 and CUP 16-034
2. Vicinity Map
3. Site plan, elevations, and concept imagery received and dated June 18, 2018
4. Grading plan, cross sections, and site staging plan received and dated June 18, 2018
5. Project Narrative received and dated August 2018
6. Code Requirements Letter dated September 10, 2018
7. Ascon Landfill EIR and Mitigation Monitoring and Reporting Program available at
http://www.ascon-hb.com/site_documents01.htm