



November 16, 2012

SUPPLEMENTAL COMMUNICATION

Honorable Mayor and City Council
c/o Ms. Joan L. Flynn
City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Meeting Date: 11-19-2012

Agenda Item No. 5

Dear Honorable Mayor and City Council,

On behalf of the Huntington Beach Downtown Business Improvement District, we would like to thank City Council for their consideration regarding our special request of offering two (2) hours of free parking in our holiday coupon book.

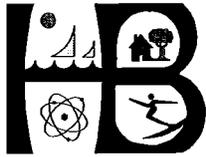
We will print 10,000 books to distribute throughout our community. We are thrilled to be able to provide our downtown visitors with two hours of free parking. Over 50 of our businesses have special deals in this book and we are excited to give our residents an extra reason to visit our restaurants, shops, spas, and beauty salon locations.

The HB Downtown BID is happy to invest over \$40,000 during the holiday season, with festive lighting, our Main Street Christmas Tree, entertainment and promotions. We've even made special arrangements for Santa Claus to visit us every December weekend and on Tuesdays, at his favorite street fair, Surf City Nights.

We appreciate this opportunity to partner with the city and thank you for supporting our efforts to continue to improve the economic business environment in Huntington Beach Downtown, related to marketing, safety, maintenance, tourism, parking and special events.

Best regards,

Susan Welfringer
BID Manager



CITY OF HUNTINGTON BEACH
Interdepartmental Memo

TO: Joan Flynn, City Clerk

FROM: Michele Warren, Director of Human Resources 

DATE: November 19, 2012

SUBJECT: **Late Communication: Replacement Side Letter for the Marine Safety Management Association (MSMA).**

The Human Resources Department submitted RCA HR 12-014 for Council Action. Signatures were not obtained before the agenda deadline.

The signed MSMA Side Letter is attached as a late communication.

Attachments:
RCA Attachment 1, Exhibit A: Side Letter

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 14

**City of Huntington Beach
SIDE LETTER AGREEMENT**

The Marine Safety Management Association ("MSMA") and the City of Huntington Beach ("City") hereby agree to this side letter to the 10/1/11 – 9/30/13 Memorandum of Understanding.

ARTICLE VIII – HOURS OF WORK/OVERTIME

E. On-Call

An employee scheduled to be on-call shall be compensated one (1) hour at the straight pay rate. On-call assignments and assignment duration shall be determined by operational schedules. On-call assignment shall not overlap the normal operational period.

Side-Letter Implementation

The parties agree that the execution of this side-letter agreement may not be challenged by the Association or any employee it is recognized to represent through the City's grievance procedure or in any other forum unless the challenge is based upon a factual allegation that the Agreement was the product of fraud, intentional misrepresentation or unlawful coercion on the part of City representatives.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on _____.

Marine Safety Management Association

City of Huntington Beach



Michael S. Bartlett
President

Dated: 11-14-12



Eric Dieterman
Vice President

Dated: 11-14-12

Fred A. Wilson
City Manager

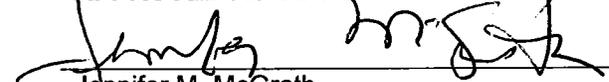
Dated: _____



Michele Warren
Director of Human Resources

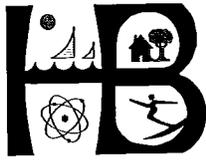
Dated: _____

APPROVED AS TO FORM:



Jennifer M. McGrath
City Attorney

Dated: 11.13.12



CITY OF HUNTINGTON BEACH
Interdepartmental Memo

TO: Joan Flynn, City Clerk
FROM: Michele Warren, Director of Human Resources
DATE: November 19, 2012
SUBJECT: **Late Communication: Replacement Side Letter for the Surf City Lifeguards Association (SCLEA).**

The Human Resources Department submitted RCA HR 12-015 for Council Action. Signatures were not obtained before the agenda deadline.

The signed SCLEA Side Letter is attached as a late communication.

Attachments:
RCA Attachment 1, Exhibit A: Side Letter

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 18

City of Huntington Beach
SIDE LETTER AGREEMENT

Representatives of the Surf City Lifeguard Employees' Association ("SCLEA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the SCLEA MOU with respect to the following:

MOU EXTENSION

ARTICLE I – Term of MOU

The Memorandum of Understanding (MOU) effective 01/01/07–09/30/08 and extended through 09/30/12 by the adoption of Resolution 2012-60; shall be extended, without modification to any additional article or provision, until June 30, 2013 or until a successor agreement is reached, whichever occurs first.

Side-Letter Implementation

The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 – Grievance Procedure/Non-Disciplinary Matters nor Article XIV-Miscellaneous (A) – Grievance Arbitration, or otherwise appealed either administratively or in a court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on _____.

Huntington Beach
Surf City Lifeguards Employees' Association

City of Huntington Beach

Richard J. Silber,
SCLEA Representative

Dated: _____

Chris Hubbard
SCLEA President

Dated: _____

Jesse Rothman
SCLEA Representative

Dated: _____

Fred A. Wilson
City Manager

Dated: _____

Michele Warren
Director of Human Resources

Dated: 11/6/12

APPROVED AS TO FORM:

Jennifer M. McGrath
City Attorney

Dated: 11.13.12

City of Huntington Beach SIDE LETTER AGREEMENT

Representatives of the Surf City Lifeguard Employees' Association ("SCLEA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the SCLEA MOU with respect to the following:

MOU EXTENSION

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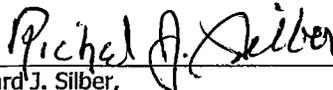
Side-Letter Implementation

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IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on _____.

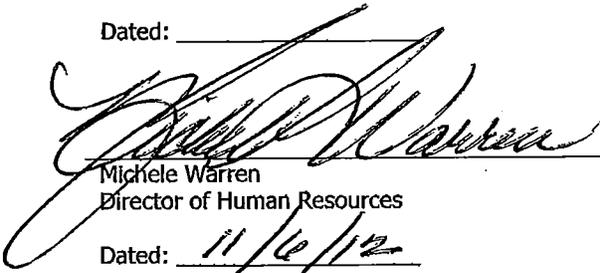
**Huntington Beach
Surf City Lifeguards Employees' Association**

City of Huntington Beach

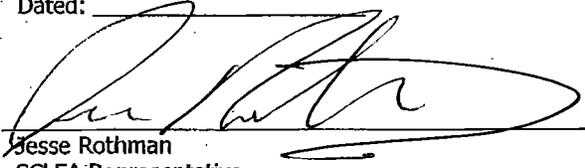

Richard J. Silber,
SCLEA Representative

Dated: 11/07/12

Fred A. Wilson
City Manager

Dated: _____

Michele Warren
Director of Human Resources
Dated: 11/16/12

Chris Hubbard
SCLEA President

Dated: _____

Jesse Rothman
SCLEA Representative

Dated: 11/15/12

APPROVED AS TO FORM:

Jennifer M. McGrath
City Attorney
Dated: _____

November 10, 2012
Dale S. Menke
4009 Aladdin Drive
Huntington Beach, ca. 92649

RECEIVED
2012 NOV 14 PM 1:19

CITY OF HUNTINGTON BEACH
HUNTINGTON BEACH, CA

Joan L. Flynn, City Clerk
City of Huntington Beach
2000 Main Street, 2nd Floor
Huntington Beach, ca. 92648

RE: Declaration # 12-004-Amendment #08-001-CUP ##08-014-variance#11-007
Harmony Cove Marina Project

I hereby propose the following conditions of approval.

#1-The proposed restaurant and bar must operate seven days (7) per week with operating hours of a minimum of 10:00 AM to a maximum of 10:00 PM.

This would eliminate the project closing the restaurant after approval and changing to more retail or rental space and creating an eyesore like the Huntington Harbor Bay Club further east on Warner Ave.

#2-The variance for a trash enclosure must include a bin trash compactor to reduce daily noise of a trash truck and keep the trash area clean and avoid trash blowing into the harbor.

#3- Keep any rental advertising signs to a minimum size and height.

#4-A minimum six foot high wall between properties to eliminate any access to the neighboring Weatherly Bay Condos.

Yours truly-



Dale S. Menke

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

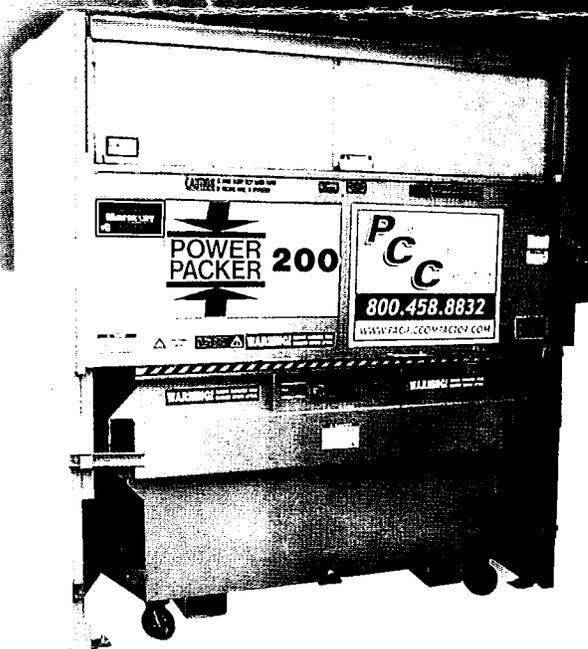
Agenda Item No. 21

PACIFIC COMPACTOR CORP.

QUALITY. THE NEW *PowerPacker* 200

**BUY IT,
SAVE 50% ON
HAULING COSTS
OR WE'LL PAY
THE DIFFERENCE***

- Designed to reduce trash storage and pick-up expense •
- Helps eliminate vermin and odor problems •
- Helps eliminate leakage associated with wet waste •
- No need for special material handling equipment •
- Reduces expensive space needed for trash corral •
- Easy 120 volt electrical plug-in •



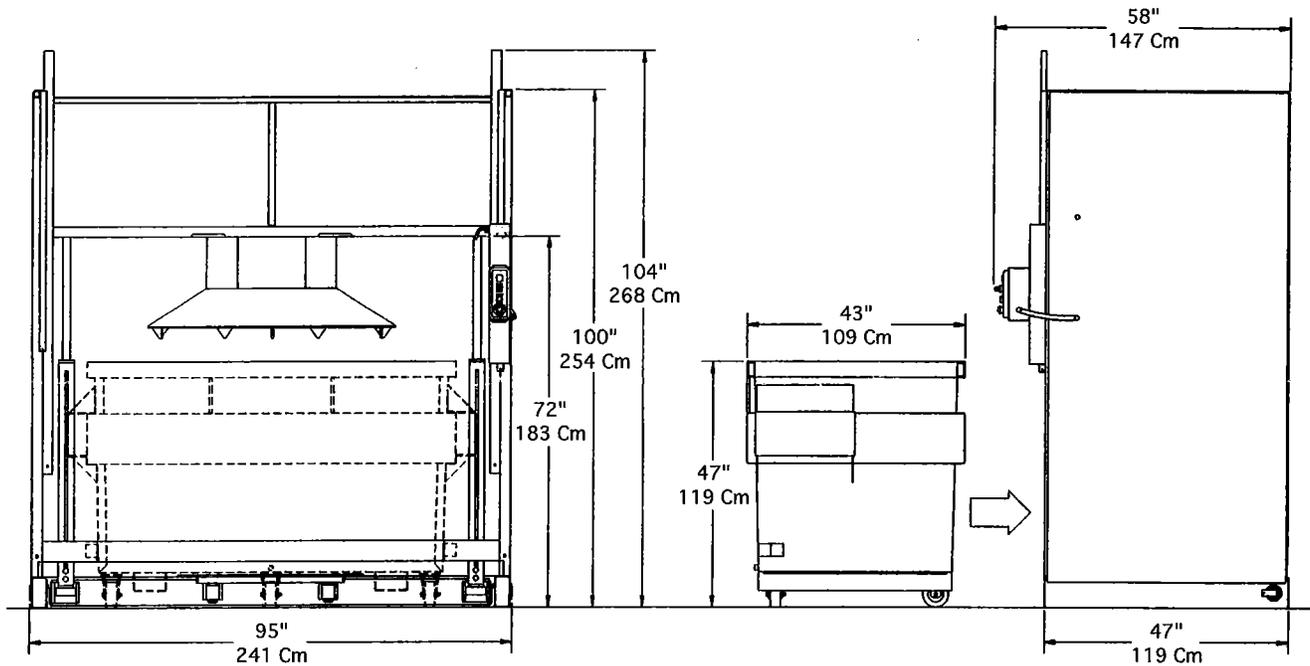
PowerPacker 200

call 800.458.8832 • fax 714.993.9202
or visit www.pacificcompactor.com

* Visit www.pacificcompactor.com for details.

PowerPacker 200

Specifications and Dimensions



SPECIFICATIONS

CONTAINER CAPACITY: 2 CUBIC YARDS
 RAM PRESSURE: 28,300 LBS.
 CYCLE TIME: 28 SECONDS
 TWIN CYLINDERS: 3" (7.6 Cm) BORE,
 1.5" (3.8 Cm) ROD,
 37.5" (95.3 Cm) STROKE
 MOTOR: 1.5 HP, TEFC
 PUMP: TWO STAGE
 ELECTRICAL: 115/230 VOLT, 1 PH, 60 HZ
 SHIPPING WEIGHT
 COMPACTOR: 3,250 LBS. (1474 Kg)
 CONTAINER: 734 LBS. (333 Kg)

DIMENSIONS

OVERALL DIMENSIONS: 95" (241 Cm) L,
 58" (147 Cm) W,
 100"-104"
 (254-268 Cm) H
 LOAD OPENING: 85" (216 Cm) L
 24" (61 Cm) H
 LOADING CHAMBER HEIGHT: 47" (119 Cm)
 RAM FACE: 48" (122 Cm) X
 27" (69 Cm)
 OIL RESERVOIR: 6 GALLONS
 CONTAINER DIMENSIONS: 79" (201 cm) L,
 43" (109 cm) W,
 47" (119 cm) H

OPTIONS

Rear Door Feed
 3 Phase 208/230/460 Volt Power Unit
 Ozone Sanitizer
 Right/Left Side Control Panel
 Additional Colors

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 9:01 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12868 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Question

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Frank Gibson

Description: Mr. Gibson states that this project has progressed to this stage too fast and this Council should not be voting on the item. The new Council should be voting on this item. Please do not vote on this tonight.

Expected Close Date: 11/20/2012

[Click here to access the request](#)

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

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 21

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 7:46 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12867 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Mes Malkoff

Description: Honorable Mayor and City Council Members,

Please consider the attached letter in your deliberations on the Harmony Cove Project, and the attendant License request, on Monday, November 19, 2012.

On behalf of our Huntington Harbour community, "Thank you."

Respectfully submitted,
Mel Malkoff, M&A
(714) 288-6200 office
(714) 357-7333 cell

Expected Close Date: 11/20/2012

[Click here to access the request](#)

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

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 21



MALKOFF AND ASSOCIATES

1750 E. Deere Avenue, Suite B • Santa Ana, CA 92705 • Fax 714-400-9020 • 714-288-6200

November 16, 2012
Via Email & US Mail

City Council of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

SUBJECT: Harmony Cove Project, at 3901 Warner Avenue; on behalf of D.A.S.H. (“Demand A Safe Harbor”) – a Citizens and Residents Group with Concerns about this Proposed Project

Honorable Mayor and Members of the City Council:

Please permit me to introduce myself. My name is Mel Malkoff, President of Malkoff and Associates, and I represent a significant group of citizens and residents of Huntington Beach that have serious reservations about the proposed Harmony Cove Marina Project. The community has formed into an organization entitled Demand A Safe Harbor (“D.A.S.H.”) in order to express our concerns in a fairly cohesive and unified basis.

But please note that D.A.S.H. consists of members and has alliances with people of all perspectives regarding this project. Some oppose the marina outright for environmental, aesthetic and safety reasons. Others oppose only the commercial rental/sales kiosk and public dock for safety reasons. Yet everyone is united around the issue which should be paramount to the decision-making actions now before the City Council – and that is the hazardous conditions, year-round, of this site as it relates to kayakers and paddleboarders in the water at and near the Warner Avenue Bridge. Our concerns here are about safety of the people in the water – the one issue never studied in the environmental assessment which led to the MND. **The inclusion of the watercraft rentals and public dock, as part of the proposed project, is not supported by almost anyone in the community nor by most of those people with whom we have spoken.**

The purpose of this letter, then, is to highlight our major concerns, and to suggest a viable project alternative that would ameliorate many of these. We will defer to other agencies and groups with the technical and practical experience to examine and comment on all of the details of the applicant’s project. Here, we want to provide you with a basic understanding of the parts of the project we support, and those that we do not.

We believe that an alternative project element, as explained below, will still enable the applicant to secure his necessary Coastal Development Permit from the California Coastal Commission by providing an equal but alternative form of affordable, visitor-serving uses on-site. Most notably, however, such an alternative is a land-based solution that would avoid all of the concerns that the inclusion of rental watercraft/kayaks/paddleboards engenders. We believe this alternative needs your careful consideration and, hopefully, your adoption of same.

We have reviewed the extensive file of information made available on the City’s website, and find that there is, among other things, a significantly limited amount of both environmental



analyses of the project as well as, and much more importantly, the human safety and health aspects of this proposed project. For convenience of your review and understanding of our concerns and issues, I have divided our comments into both General and Specific comments. We ask that you review these comments in detail, and we will be testifying and available to answer any questions you may have about these issues at Monday's hearing (November 19, 2012).

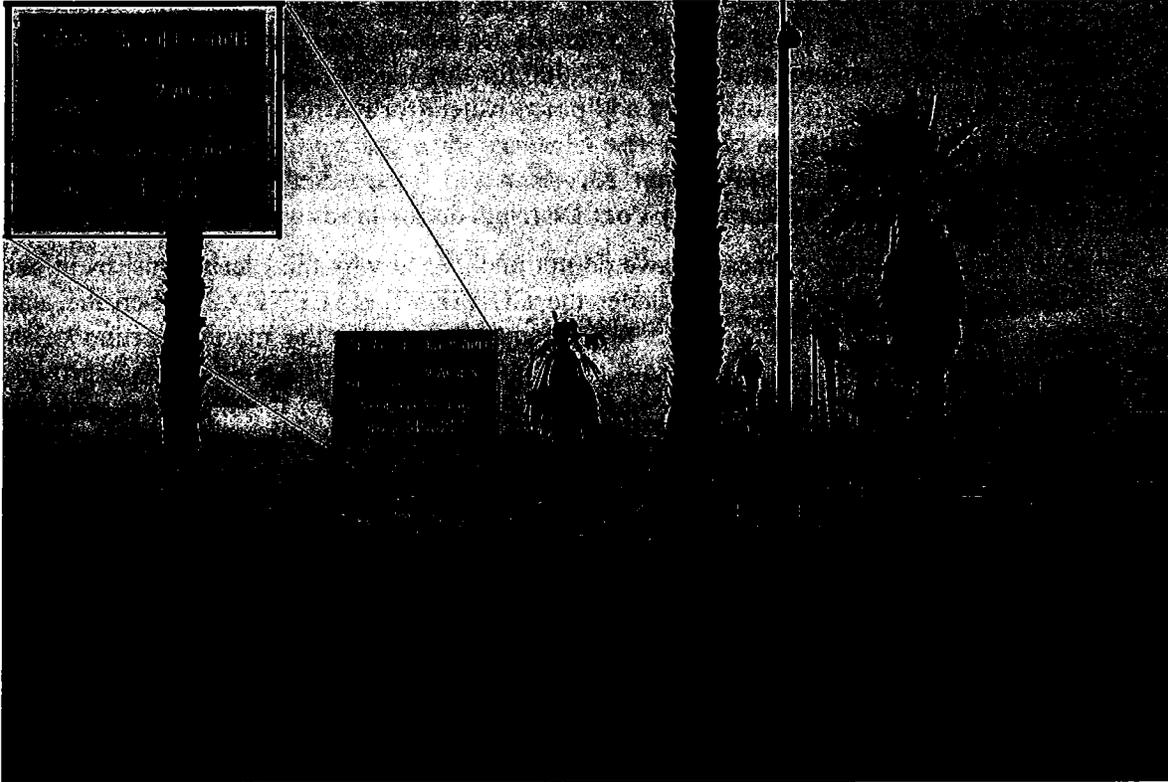
GENERAL COMMENTS

1. Given the proximity of this project site to the Bolsa Chica Wetlands, and to the discharge point of the East Garden Grove/Wintersburg Flood Control Channel ("EGGW"), we are frankly surprised and very dismayed that a Mitigated Negative Declaration (SCH #2010041051) was done to satisfy CEQA requirements while it is clear to us, and others who have already commented on this project (Coastal Commission, Coast Keepers, etc.) that a full and detailed environmental review of this project was, and clearly remains, warranted. Potential impacts to the long-fought-for wetlands, the problems associated with the EGGW, and placing swimmers in potentially dangerous situations, warrant a more intensive treatment of potential environmental impacts and a more thoughtful and comprehensive approach to possible mitigation measures. **We ask that a full EIR be prepared for this proposed project; such a step might also benefit from renewed scoping of potential issues and impacts from a more widely noticed community.**
2. While D.A.S.H. is predominantly in favor of private property rights, and fair and equal access to the California coastline, we firmly believe that when a project, such as this, has the potential to jeopardize people's health, safety and property, that the fullest possible analyses be done. This includes the health of users of this facility, particularly those using the rental watercraft, as well as homeowners along the Harbour's many waterways. The project is sited in an area of high tidal flows, elevated levels of water pollution and diminished water quality, and shallow water areas arising from siltation from Outer Bolsa Bay and the EGGW. This area is also intensely used by power and sail boats from the nearby yacht clubs, public boat ramps, and public and private marinas. Mixing neophyte watercraft users on crowded weekends with large boats with sometimes limited visibility and/or maneuverability (something paddleboarders and kayakers, especially, don't seem to appreciate) seems pretty risky. And, not uncommon to harbors with on-water housing, vandalism, theft, robbery, and just plain loitering can put us at significant personal risk. **As a group, most but not all of our members don't mind the marina proposal on this site, but specifically and strongly object to the in-water proposed visitor-serving use of watercraft rentals and the addition of a lengthy public dock with unrestricted access.** There are also some members that question the development of this site, for any purpose.
3. At this southeasterly end of Huntington Harbour, the channel is already fairly constricted in size, and is crowded with the nearby yacht club marina, boat launch and numerous private docks and slips in the area. Yet, the City is proposing to grant a waterway license, thus allowing the applicant to push significantly further (50 feet) into this already congested waterway with more slips and finger piers. This license would also then



foreclose any hope of the city adding future marina use/slips in this area of its jurisdiction, at a time when cities and counties are hurting for new and enhanced revenue sources. Further, an annual city fee of \$5,000 for this License, balanced against what the applicant will make from using the additional waters for marina revenues, hardly seems fair. **We urge the City to charge the Licensee on a percentage of revenue basis, so that the City can also enjoy better revenues and future escalations in marina fees; this is consistent with what many Port Districts do for land- and water-side leasing.**

4. In terms of regulatory processing, we do not understand why the License just mentioned is being discussed and voted on under the **CONSENT CALENDAR**, when the water areas that are granted pursuant to the License for use by the marina portion of this project, are a pivotal part of the Project Description. Without the water acreage provided under the License, the applicant would lose nearly half of all of the slips, plus the public dock. In addition, voting on the License before voting on the project does not make much sense to us; no license should be given without a project approval first. **We respectfully request that Consent Calendar Item #10 (the License) be pulled from the Consent Calendar and acted upon after the Council takes action on the Marina Project as a whole (Public Hearing, #21).**
5. The project site is currently zoned for Residential use. We understand that it is the City's intent to conform its Zoning Code designation on this land to the land uses set forth in the certified Local Coastal Program's Land Use Plan, i.e., Open Space and Parks and Recreation. What is disturbing is that the applicant has expressed his desire to simply build condominiums on this site, but that would conflict with the Coastal Commission's approved land use. In fact, just a few days before the Monday November 19th City Council Hearing, a new sign appeared on the property indicating it was available for "Marina and Residential" use (see photo, on the following page). [Note also that in the picture the "2 acres" – which *presupposes* that the City and State Lands Commission will grant use within the water areas of the Harbour – is not accurate; the dry land area is only about 1 acre, thus the sign is misleading.] The "residential" use suggested on the sign is in direct conflict with the application, as well as the project now being processed and for which we are being asked to live with. **It is not clear what the real agenda is here for this property; if the applicant wants to do a residential project, then the current application and all of the attendant documents and approvals by the Planning Commission should be withdrawn and vacated, and the landowner should submit a new project for what he actually wants to build.**



SPECIFIC COMMENTS

1. The Bolsa Chica wetlands were hard-won by the city and community over a period of several decades. Yet, there is no explicit protection of those wetlands in Outer Bolsa Bay, for example by the use of stringent dredging criteria, including seasonal timing, preliminary assays of soil quality in order to determine which legal, off-site US Army Corps-approved or land-based disposal site(s) can be used, and no financial analyses of the economic viability of this project to sustain the initial and subsequent periodic dredging costs that will be required when the inevitable advancement of the sediment plumes from Outer Bolsa Bay fill in the newly dredged project marina slip areas. The Yacht Club on the south side of this channel is very familiar with these problems, and has not been successful in securing needed dredging under their slips and the adjacent channel (a city street).
2. Along similar lines and on behalf of the adjacent wetlands and wildlife areas of the Bolsa Chica Mesa, there does not appear to be stringent control of light and glare originating from the project that might adversely affect these important habitats. Common to other projects, light sources should also be shielded and all light directed downwards on-site.



This would also, in turn, address one of our concerns about potential light spillage and intrusion into the nearby residential areas of the Harbour.

3. Current velocities during maximum average tides have been reported by the US Army Corps of Engineers (1990) at the Warner Avenue bridge, right next to the proposed watercraft rental booth and public dock, to be in the vicinity of 1.65 feet per second, or about one mile per hour. However, in storm conditions, with the EGGW channel flowing fully, and on an ebb tide, velocities at the bridge reach just over *seven miles per hour*. Recall, too, that the EGGW drains 28 square miles of fully urbanized area of Orange County. All of the accumulated oils and greases, pesticides, toxic pollutants, tennis balls, plastic bottles and heavy metal contaminants are pushed directly at the project site, and the adjacent waters where swimmers may be (intentional or not). These are serious risks, both in terms of velocities as well as contaminants, to anyone in the water, especially a neophyte unfamiliar with kayaks or paddleboards, let alone someone who might fall off such a vessel. It becomes a significant life safety risk as well for any emergency responders challenged with rescuing such a person(s) in the water.

We hope that the foregoing few comments will be taken into consideration during your deliberations about this project. As we stated earlier, we are mostly though not entirely OK with the marina project as an appropriate use for this site. Powered vessels can easily deal with tidal and storm currents, lights can be shielded, night-time noise can be monitored and addressed, and the ability to walk along the shore, with adjacent public parking, is a very attractive feature. Having a place for a quick snack is also mostly viewed in a positive light.

However, it is the watercraft rentals and in-water uses by the rental kayaks and other watercraft here that give us significant pause. Opposition to this element of the proposed project is nearly unanimous in our D.A.S.H. group. To that end, we recently expressed these concerns to the applicant and asked him to withdraw the watercraft rentals, remove the public dock, and consider implementing our land-side only, alternative visitor-serving use (discussed next); he declined.

A PROPOSED VISITOR-SERVING PROJECT ALTERNATIVE

Under the California Coastal Act, coastal-dependent and visitor-serving uses are prioritized. Clearly, the marina requested in this application is consistent, assuming all of the concerns we've raised, and those addressed in other letters of comment, can be adequately addresses. However, the Coastal Act does not dictate which visitor-serving uses have to go where. Accordingly, since the present application's watercraft rentals and the associated, unregulated public dock raise significant, unmitigated concerns, we believe there is an equally good, also revenue-producing, alternative here that should be considered and in fact substituted by the City Council.

The City has major bikeways throughout our town and next to our beautiful beaches. Yet there is a limited number of places to rent a bike, or pedal-type jitney, or even Segways, in this part of town. To that end, we propose that the project be modified to substitute bicycle, Segway and jitney sales and rentals in lieu of the in-water watercraft uses, and the public dock, shown on the



project site plan. This would promote more access to the coastal areas via the existing bike paths, and provide another trail head/rest area in close proximity (across the street) from the along-shore coastal bike path on Orange County's shoreline. It would meet the need for a visitor-serving use which still fosters accessible and affordable recreational activities at the seashore. And, it would remove the potential jeopardy of people getting hurt, falling-off, or downing at Harmony Cove. The same building footprint could be used for this alternative, and the risk of another floating dock in the vicinity of high water velocities would be eliminated.

In closing, we thank you for the opportunity to provide input on this proposed project. **We "mostly" like some elements of it (marina, parking, boardwalk, cafe) and entirely oppose the watercraft rental and public dock elements.** But we offer a viable and financially rewarding substitution which, if implemented, would garner our complete support of this project.

Members of the D.A.S.H. community group will be present, and some will be speaking, at Monday's hearing. Please feel free to call me (714-357-7333) on the weekend or next week if questions arise about the foregoing comments, and to let us know how we can achieve the implementation of a community-acceptable development.

Sincerely,
Malkoff and Associates

Mel Malkoff /s/

Mel Malkoff, President

cc: Mr. Brian Griley, D.A.S.H.
3202 City - DASH Letter to City Council 11-16-2012.docx

Esparza, Patty

From: Stephenson, Johanna
Sent: Monday, November 19, 2012 9:31 AM
To: Esparza, Patty
Subject: Harmony Cove Voice Mail Messages received

The main phone line for the Administration Department received over the weekend - 146 voice mail messages opposing Harmony Cove.

Johanna Stephenson / Executive Assistant / johanna.stephenson@surfcity-hb.org / O: 714.536.5575 / C: 714.536.5233

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 21



HUNTINGTON BEACH
Chamber of Commerce

November 12, 2012

Mayor Don Hansen & Council Members
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: TRI Pointe Homes Proposals for Wardlow and Lamb School Properties

Dear Mayor Hansen & Council Members,

The Huntington Beach Chamber of Commerce Board of Directors has unanimously endorsed fellow chamber member TRI Pointe Homes' proposals for new homes on the former Lamb and Wardlow school properties. Development of these two properties into neighborhoods of single-family homes will create nearly **300 new jobs** and an estimate of more than **\$63 million in local economic activity**.

After reviewing the project plans, the Chamber Board agrees that homes at the two former school sites will benefit Huntington Beach; they will increase local revenue, spur economic vitality for the area, improving the remaining open space, creating more parking to provide access to the open space improvements and increase neighboring property values by replacing blighted vacant school buildings with new family-friendly homes that are among the greenest in Orange County.

Here at the Chamber, we strive to help improve the business climate in our city. We believe TRI Pointe's plans will bring a positive change to neighboring businesses as well as improving the character of these neighborhoods.

I encourage you to join the Chamber in supporting TRI Pointe Homes' Lamb proposals and approve both projects when they are brought before you.

Sincerely,

Jerry L. Wheeler, Sr. IOM
President/CEO

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 22



HUNTINGTON BEACH
Chamber of Commerce

November 12, 2012

Mayor Don Hansen & Council Members
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: TRI Pointe Homes Proposals for Wardlow and Lamb School Properties

Dear Mayor Hansen & Council Members,

The Huntington Beach Chamber of Commerce Board of Directors has unanimously endorsed fellow chamber member TRI Pointe Homes' proposals for new homes on the former Lamb and Wardlow school properties. Development of these two properties into neighborhoods of single-family homes will create nearly **300 new jobs** and an estimate of more than **\$63 million in local economic activity**.

After reviewing the project plans, the Chamber Board agrees that homes at the two former school sites will benefit Huntington Beach; they will increase local revenue, spur economic vitality for the area, improving the remaining open space, creating more parking to provide access to the open space improvements and increase neighboring property values by replacing blighted vacant school buildings with new family-friendly homes that are among the greenest in Orange County.

Here at the Chamber, we strive to help improve the business climate in our city. We believe TRI Pointe's plans will bring a positive change to neighboring businesses as well as improving the character of these neighborhoods.

I encourage you to join the Chamber in supporting TRI Pointe Homes' Lamb proposals and approve both projects when they are brought before you.

Sincerely,

Jerry L. Wheeler, Sr. IOM
President/CEO

SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 23

Esparza, Patty

From: Flynn, Joan
Sent: Monday, November 19, 2012 8:41 AM
To: Esparza, Patty
Subject: Fw: AGENDA ITEM 23 LAMB SCHOOL

Joan L. Flynn, CMC
Huntington Beach City Clerk

From: Villasenor, Jennifer
Sent: Monday, November 19, 2012 08:28 AM
To: Flynn, Joan; James, Jane
Subject: FW: AGENDA ITEM 23 LAMB SCHOOL

From: MJ Baretich [mailto:mjbaretich@hotmail.com]
Sent: Saturday, November 17, 2012 10:19 PM
To: Boardman, Connie; Bohr, Keith; Hansen, Don; matthewharper@verizon.net; joesha@yahoo.com; jdevindwyer@verizon.net; Carchio, Joe; Villasenor, Jennifer
Subject: AGENDA ITEM 23 LAMB SCHOOL

November 15, 2012

Honorable Mayor and City Council
City of Huntington Beach
2000 Main Street

Huntington Beach, CA 92648

c/o Joan Flynn, City Clerk

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 23

RE: Agenda Item 23 - Request to Not Approve the proposed Lamb School Residential Subdivision

Mitigated Negative Declaration No. 08-13;
General Plan Amendment No. 08-05;
City Council Resolution No. 2012-82, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 08-05;"
Zoning Map Amendment No. 08-05;
City Council Ordinance No. 3967, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation From PS (Public-Semipublic) to RL (Residential Low Density) on Real Property Located on the North Side of Yorktown Avenue, East of Brookhurst Street (Zoning Map Amendment No. 08-05);"
Tentative Tract Map No. 17238; and Conditional Use Permit No. 08-26.

Dear City Council Members,

I am opposed to the Lamb School Subdivision and request that you Not Approve this Residential Subdivision and Zoning Change.

Thank you,

Mary Jo Baretich
Huntington Beach Resident

11/10/2017 10:11 AM
11/10/2017 10:11 AM

11/10/2017 10:11 AM
11/10/2017 10:11 AM

November 15, 2012

Our File Number: 36608.006/4833-3644-9809v.1

VIA EMAIL AND REGULAR MAIL

Don Hansen, Mayor
Devin Dwyer, Mayor Pro Tem
Connie Boardman, Council Member
Keith Bohr, Council Member
Joe Carchio, Council Member
Matthew Harper, Council Member
Joe Shaw, Council Member
City of Huntington Beach
2000 Main Street
P.O. Box 190
Huntington Beach, CA 92648

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-12

Agenda Item No. 24

Re: Pacific Mobile Home Park
80 Huntington Street, Huntington Beach, CA. 92648
Subdivision Application for Tentative Tract Map No. 17392 and Related Coastal Permit
Remand Hearing/Nov. 19, 2012

Dear Council Members:

As you know, my office represents the Applicant in the above-referenced Applications. I am writing to you regarding the upcoming remand hearing on the above-entitled Applications set for November 19, 2012.

I am glad that the City staff recommends approval of the Applications. However, I am concerned that staff recommends imposing conditions which violate Government Code § 66427.5 and a Superior Court Writ of Mandate and Judgment. In addition, although recommending approval, the staff report suggests you may have some basis for denying the Applications. Again, this recommendation is an invitation to violate § 66427.5 and a Superior Court Writ and Judgment. It is troubling that the same City staff and City Attorney who previously provided you recommendations that led to the City losing two lawsuits and an attorney fee award against the City approaching \$100,000 continue to fail to disclose to you the very real risks of proceeding as staff either recommends or claims may be legal.

As I am sure you are aware, Superior Court Judge Rodriguez reversed the City's denial of the Applications. The central focus of the litigation between Pacific and the City was whether the City could deny the Applications because of the existing right of way claimed by the City. The Court concluded that the City could not consider the alleged encroachments on a public

A Celebrating 30 years of Excellence

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200 Sandpointe, Fourth Floor, Santa Ana, California 92707
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457



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Page 2

right-of-way in considering the Application. The Court issued both a judgment and a writ of mandate instructing that:

In reconsidering the Application, the City **shall not consider** whether the physical improvements on the subdivided units to be created encroach on the public right of way and otherwise limit the City's review to determining compliance with Government Code § 66427.5. (emphasis added)

Despite this unambiguous ruling that you "shall not consider" the alleged encroachments, City staff claims you can impose a condition requiring Pacific to record a disclosure stating that any lot buyer would be responsible for removing encroachments. Staff contends:

This condition would not conflict with the court's judgment since the City is not denying the conversion based on the encroachment nor conditioning it to cure the encroachment.

As quoted above, the Court's writ and judgment stated the City could not consider the encroachments, not that it could not deny the Applications on that basis. Staff's characterization of judgment and writ of mandate is disingenuous and a disservice to the City Council in its effort to comply with the law and Court rulings.. The staff report is advocating you not only consider the encroachments, but that you impose conditions based on the encroachments. Staff is inviting you to violate a binding Court Writ and Judgment as well as the limitations of Government Code § 66427.5(e) which states your review is limited to compliance with Section 66427.5. Of course, this statute was the reason the Court granted the Judgment and Writ in the first place. Following staff's recommendation would not only result in another reversal and potential monetary sanction, it could expose Council Members to contempt proceedings. You should decline the invitation of staff to violate the Judgment and Writ.

It is important to point out that staff is essentially advocating that Pacific be mandated to accept the City's claim of right of way, while that right of way is currently subject of litigation which has not yet been decided.

Pacific once again sought to resolve this issue in good faith with an unrecorded agreement not to sell the lots. Staff rejects this proposal as inadequate because it would not be recorded, thereby allegedly denying notice to any buyers. Staff's position makes no sense. The City's right of way is already recorded and Pacific was willing to agree to give notice. Staff is not just recommending any buyers be provided notice of the claim, it is demanding a recording that effectively admits financial responsibility for moving homes located in the right of way, when that very issue is currently subject to litigation. Thus, even without the limitations of the Judgment and Writ and Government Code § 66427.5, staff's recommendation would be improper.

There are several other proposed conditions of approval recommended by Staff that do not relate to compliance with Government Code § 66427.5. All of these conditions are illegal and violate the Judgment and Writ. Most are not material in the sense that Pacific would meet them



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in any event. However, Pacific also objects to the provision providing that it will defend and indemnify the City in litigation. This condition must not be imposed and, again, imposing the condition would subject the City and Council to serious liability.

Staff Wrongly Suggests The City Can Find The Application Is Not Bona Fide

Perhaps most concerning in the staff report is the suggestion that the City Council could theoretically deny the Applications based on the finding that the proposed subdivision is not a "bona fide conversion."

Staff cites two facts which it claims can be the basis for finding the Application is not bona fide. First, staff cites statements made by Mr. Hodgson to the effect that Pacific may not be contemplating selling lots in the near future. Second, Staff cites the fact that the survey was not in the form supposedly "recommended by HCD", in that an estimated lot price was not listed. Neither of these facts indicate that Pacific's application does not comply with Section 66427.5 and therefore your consideration of these facts, again, violates a Judgment and Writ as well as Section 66427.5.

In raising the issue in the first place, Staff ignores the fact that the concern over a bona fide conversion only applies to properties which are subject to rent control. The actual legislative concern over "bona fide" conversions is that park owners may subdivide a mobile home park without any intention of actually converting the park to tenant ownership in order to take advantage of a rent control exemption. See *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (4th Dist. 2002) 96 Cal.App.4th 1153, 1166; *Donohue v. Santa Paula West Mobile Home Park* (1996) 47 Cal.App.4th 1168, 1175 (expressing the concern that "the mere filing of a subdivision application resulted in an exemption from state rent control laws.") The decisions in *Sequoia Park Associates v. County of Sonoma*, (2009) 176 Cal.App.4th 1270 ("Sequoia") and *Colony Cove Properties, LLC v. City of Carson*, 187 Cal.App.4th 1487 also both recognized the concern over a bona fide conversion is that that the park owner intended to sell one or a few lots with the intent of continuing to operate a rental mobile home park permanently, but without the constraints of rent control. See *Colony, supra*, at 1501, fn. 13, citing *Donohue*; *Sequoia, supra*, 176 Cal.App.4th at 1286.

Finally, the recent decision in *Chino MHC, LP, v. City Of Chino et al.* 2012 DJDAR 15126 (4th District Court of Appeal) directly addresses this issue. The Court explained:

Thus, a sham conversion is one that is **merely intended to avoid rent control and** not to transfer ownership to residents. (citing *El Dorado*, emphasis added)

Staff acknowledges the Application cannot be denied as an effort to avoid rent control but disingenuously suggests "What other circumstances would constitute a sham or non-bona fide conversion are unclear . . ." In fact, as noted above, the courts have been clear on what is a

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sham conversion and no court decision has ever remotely suggested the concern over sham conversions exists outside the context of rent control.

Even if there was some other kind of "sham" conversion that can be addressed under Section 66427.5, the only basis for concluding a conversion is a sham is the survey. Every reported decision considering Section 66427.5 has affirmed that the scope of review is limited to determining compliance with Section 66427.5. The recent *Chino MHC* case made clear **the only way to determine whether a conversion is bona fide is by considering the results of the survey.** In *Chino MHC*, the Court rejected consideration of a petition prepared after the survey (which showed overwhelming opposition to the conversion), explaining:

Nevertheless, it argues that the City could "consider[]" the petition as "additional evidence" to assist it in "evaluat[ing]" the Owner's survey. We do not rule out the possibility that a local agency could consider other evidence, in addition to the survey itself, **in determining whether the survey showed that the conversion was not a sham. The petition, however, was not relevant to this issue.** For example, the Association argues that the petition showed that the residents who failed to respond to the survey actually opposed the conversion. **However, that was irrelevant to whether the survey showed that the conversion was a sham; rather, it was an attempt to prove, with extrinsic evidence, that the conversion was, in fact, a sham.**

Staff suggests you can do exactly the same thing. Staff claims you can prove that the conversion was a sham based on evidence other than the results of the survey. That is exactly what the Court in *Chino MHC* local governments cannot do and *Chino MHC* is binding on Orange County Superior Court.

As the City concedes, the results of the survey in this case demonstrate the Application bona fide. Indeed, the survey results in this case are significantly more favorable than those in *Chino MHC* and the Court of Appeal rejected the denial of the application based on such results.

In addition, the evidence cited by the City does not relate to compliance with Section 66427.5 and thus reliance on this evidence violates § 66427.5(e), the Writ of Mandate, and the Judgment. Staff does not explain how the evidence relating to the statements of Mr. Hodgson and the form of the resident survey relate to compliance with Section 66427.5. Section 66427.5 consists of five lettered sections, a through e. Subdivisions a through c relate to the option to purchase and a required conversion report. Subdivision d discusses the resident survey. It states:

(d) (1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

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- (2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.
- (3) The survey shall be obtained pursuant to a written ballot.
- (4) The survey shall be conducted so that each occupied mobilehome space has one vote.
- (5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e).

Nothing in this section states that the survey must be done in a particular form. Staff does not claim the survey form did not comply with Section 66427.5. In fact, Section 66427.5 anticipates the exact form of the agreement will be agreed upon by the party. Staff's particular concern, that no lot price was listed, was specifically rejected as a basis for denying a conversion in the *El Dorado* case:

El Dorado points out that this specific subject was addressed by the enactment of Business and Professions Code section 11010.9 as part of Senate Bill No. 310, discussed above. That section, which is set out in full in the footnote, provides that disclosure of the tentative sales price shall be made prior to filing a notice of intention to sell with the Department of Real Estate. n19 Since that section applies "notwithstanding any other provision of law," we harmonize it with section 66427.5 by finding that the **tentative purchase price must be disclosed at the time specified in Business and Professions Code section 11010.9, i.e., at some time prior to the filing of the notice of intention to sell, but that the disclosure need not be made at the time of filing of the application for approval of the tentative map.**

(*Id* at 1180 (emphasis added))

Frankly, it is disturbing that Staff report would make this argument without even discussing the *El Dorado* case, even though I made staff aware of it prior to the staff report.

As to the comments of Mr. Hodgson, even if they could be legally considered, they do not remotely suggest that the Application is not bona fide. Mr. Hodgson is merely explaining the subdivision is not imminent and is not certain. Pacific may ultimately decide it does not want to subdivide. That does not make the Application a sham. There is no basis to believe that Pacific will not actually complete the sale of lots to the residents if the subdivision is actually initiated. As noted above, a sham conversion is defined as one which the property owner seeks to avoid



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Page 6

rent control and not to transfer ownership to residents. The fact that Pacific may decide it ultimately does not wish to subdivide does not make the Application a sham.

Based on the Judgment and Writ of Mandate that controls your consideration of this Application and the limitations of Government Code Section 66427.5, you simply have no option but to approve the Application. The only conditions you can legally impose is the requirement that Pacific comply with the requirements of § 66427.5. We respectfully request you comply with the Writ of Mandate and Judgment, approve the subdivision application and coastal permit and impose no conditions on the approval except as expressly allowed by Government Code § 66427.5.

Sincerely,

HART, KING & COLDREN

A handwritten signature in black ink, appearing to read 'Mark D. Alpert', written over a horizontal line.

Mark D. Alpert

MDA/sm

cc: Scott Field, Esq. (via email)
Joan Flynn, City Clerk (via email)
Pacific Mobile Home Park, LLC (via email)

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Thursday, November 15, 2012 9:55 PM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12853 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Mary Jo Baretich

Description: November 14, 2012

Honorable Mayor and City Council City of Huntington Beach ("City") 2000 Main Street
Huntington Beach, CA 92648 c/o Joan Flynn, City Clerk

RE: Request for Denial of the November 19, 2012 City Council Agenda Item 24,
Tentative Tract Map No. 17397 and CDP No. 10-017, Pacific Mobile Home Park
Subdivision

Dear City Council Members:

As early as April 12, 2011, the Planning Commission denied the Subdivision based upon the encroachment of mobilehomes on city-owned land. Additionally, they expressed concerns regarding the effects upon these "encroaching" residents who would be impacted by an approval of this Subdivision. To quote from the April 12, 2011 Planning Commission meeting, "Mobile home owners with homes currently encroaching into the City right-of-way would necessarily be required to move their homes in order to purchase their own lot prior to obtaining title. This would require physical changes and a potential, and unanticipated, obstacle for the purchase of the lot, especially considering the application was submitted with the understanding that no physical changes are proposed. These violations would be detrimental to the current quality of life of the park resident affected by the physical changes proposed by the tentative tract map."

Specific information pertaining to the grounds for this plea has been set forth in great detail in comprehensive letters and speeches at a June 4, 2011 Council Meeting requesting Denial of the Subdivision condo-conversion, addressed from numerous Pacific Mobile Home Park homeowners and other interested parties to both the Planning Commission and the City.

These letters and speeches, and subsequent letters and speeches, constitute part of the administrative record before the City Council and form a part of the City Records. The grounds for a Request for Denial of this subdivision are summarized and set forth in the remainder of this letter. Relevant lawful facts were not analyzed completely, which could cause an inaccurate assessment of the facts by the Council.

In recent articles, Sacramento Attorney William Constantine summarized information pertaining to the most recent court cases regarding mobilehome park conversions. These court decisions are pertinent to the Pacific Mobile Home Park issue, and should weigh heavily in the decisions of the City Council regarding this Request for Denial of the Park Owner's Application to convert this mobilehome park to condominium against the will and wishes of the residents. Only a small percentage of the residents who responded in the Pacific Mobile Home Park Resident Survey were in favor of Subdivision, thereby showing that the remainder were opposed and were not adequately informed about the consequences of a subdivision of this park.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 24

Using the facts resulting in the case of the Huntington Shorecliffs approval of subdivision, only two blocks away, one can visualize the detrimental effects subdivision would have on the unsuspecting residents of the Pacific Mobile Home Park. Once approval was given on May 17, 2010 for the Huntington Shorecliffs Subdivision, and prior to any lots being sold, the following happened in sequence: 1) immediately all Section 8's were cancelled; 2) all existing leases (which had some rent control protections) were cancelled; and 3) the rents in the park were raised above the known incomes of the Seniors to between \$1650 and \$1850 per month. The infrastructure (drainage problems) have still not been completely corrected over two years later, and until that is completed, no lots will be sold (at \$275,000 to \$375,000), but meanwhile, nearly 130 people have been forced to abandoned their homes and all their belongings and loved articles (they could not afford storage) because o f the increases in rents. No one knows where most of these people went. They had been paying about \$850 to \$900 per month for their space rents before.

I believe that The City Council members in 2010 who voted to Approve this Subdivision at Huntington Shorecliffs were not aware of the consequences of their actions. Please don't make that same mistake with the Pacific Mobile Home Park. Several hundred lives are at stake here. They are in danger of losing their homes and their quality of life at Pacific MHP.

No one knows what price the Pacific MHP park owners will charge for their lots. They are closer to the ocean than Huntington Shorecliffs, so in effect, the prices will be at least between \$275,000 to \$375,000 as at Huntington Shorecliffs. The majority of the Pacific MHP residents are low income citizens and this is why they were not interested in purchasing their individual lots.

.If the Park Owner wanted to truly covert the mobilehome park to "resident ownership," then the Park Owner should sell the entire park to the Homeowners Association, rather than converting it to only a partial sale of lots (air space), with the Park Owner always holding 51% or more of the lots and the majority vote on all matters. The rental homeowners in a Subdivision Condominium conversion are not members of the HOA, and will have no say or vote on any park matters. The HOA will be controlled by the non-resident Park Owners who will have the majority vote on all matters.

The intent of California Legislature has clearly stated that the State policy is to encourage conversion of rental mobilehome parks to resident ownership (Health & Saf. Code § 50780, subd. (b)). This policy was put in place to help encourage the resident homeowners to be find methods to purchase their parks and control the management, maintenance, infrastructure, affordability, and health and safety issues for their mobilehome community.

If the park were to be sold as a cooperative Common Interest Development, the homeowners would own an equal share in the property, and the purchase could be handled by a non-profit corporation such as Resident Owned Parks, Inc. (ROP) Then, the homeowners would be in favor of purchasing the park. Their space rents would be lower, and the current park owners would be completely out of the picture with the sale. This is the best approach and has been proven successful throughout the State.

It appears, that the park owner does intend to convert the park to another use in the future. According to a statement by the Newport Pacific Capital Company, Inc. in a letter dated, a Question was highlighted." Will the subdivision ensure that the property

will always be a mobilehome park?" The answer was, "The property has been under the same ownership for many years and the owners do not have plans to sell the property in the immediate future. By applying for a subdivision map the owners are indicating that they believe that selling individual lots to the residents is a viable method for selling, if and when they decide to sell the property."

If you, as the City Council, need the advice and expertise of an attorney who has successfully dealt with proposed Subdivisions such as this, please have our City Attorney, Jennifer McGrath, contact attorney William Constantine on this matter:

William James Constantine, Attorney at Law
wconstantinesantacruz@gmail.com
303 Potrero Street # 29-104
Santa Cruz, CA 95060-2783
(831) 420-1238

Mr. Constantine has been successful in numerous cases throughout the State.

On December 30, 2009, in a Superior Court decision, (Paul Goldstone Trust U.T.D. v County of Santa Cruz, Santa Cruz Superior Court Case Number CV 164458 - 2009) regarding the conversion of Alimur Mobilehome Park, Santa Cruz County Superior Court Judge Paul Burdick, ruled that Assembly Bill AB 930, now a law, and Government Code Section 66427.5 Subsections (d) and (e), clearly states that it is the legislative intent that the resident surveys are to be used to prevent non-bona fide resident conversions, which it defined as conversions that did not have resident support. The result, the Subdivision was denied.

This case was petitioned by the park owner, to the Supreme court, and on October 24, 2012, the Supreme Court Denied the Review of Goldstone v. County of Santa Cruz (Alimur Park Homeowners Association), S204943.

Attorney Will Constantine also reported that "Additionally, two days after the Santa Cruz County Superior Court decision, the same issue (of condominium conversion) came before the Capitola Planning Commission to decide on the conversion application of Surf and Sand Mobilehome Park and the Commission, after hearing both sides arguments on this issue and receiving advice of the city attorney, came to the same conclusion and rejected Surf and Sand's conversion application based on the results of its resident support survey by applying subsection 66427.5(d) rather than their "preempted" ordinance."

On January 26, 2010, Santa Cruz County Board of Supervisors unanimously denied the Alimur Mobilehome Park conversion application.

On March 30, 2010, another court decision in the Second Appellant Division, Carson Harbor Village v City of Carson, also supports the City's way to establish the right for cities to consider the outcome of the resident support survey in determining whether to approve or deny a subdivision. In a Santa Cruz Daily Breeze article by Sandy Mazza dated March 30, 2010, according to Paul Randall, president of the Carson Harbor Village homeowners association, the court's decision is a long-awaited victory for residents. Paul Randall further states, "I think we finally have some judges that have read the law, understand the law, and are making it be for the benefit of the resident of the park," Randall said. "(Conversions) must be bona fide, resident-supported. Not a sham for the property owner to make an exorbitant amount of money."

Recently, this case was heard again at the May 14, 2012 Carson City Council, and Will Constantine was the attorney representing the Carson Harbor Village homeowners. The vote by the City Council was a firm 5 – 0 vote in favor of denying the Subdivision. On January 29, 2010, the El Dorado Palms Springs, Ltd., owner of the El Dorado Palms Estates in Palm Springs, California sent a letter to Mayor Steve Pougnet of the City of Palm Springs asking the City of Palm Springs to consider purchasing the unsold lots in their park that they had Subdivided and converted to condominium. This had been advertised as a "Successful Condominium Conversion." El Dorado has a total of 377 spaces. The owner has requested the city to buy the remaining 147 lots (60 of which are completely vacant and abandoned). It has come to light that this converted park has not become the highly desirable park that people will flock to buy into. This obviously has not happened in the seven years since the condo-conversion of El Dorado. Pacific Mobile Home Park may be in the same position if allowed to be converted to a condominium community. The City Council can prevent this fate from happening by Denying an Approval for Subdivision.

I feel there are other issues that give grounds for denial, and they are also warranted. Specifically, CA Government Code Section 66474, requires denial of a Subdivision that is not consistent with applicable general plans. The proposed subdivision would violate several Huntington Beach General Plan Land Use Element goal and policies, and reconfiguring the lot lines to eliminate encroachment problems, may result in an inability to meet the standards and regulations of the Mobile Home Parks Act/Health and Safety Code with respect to setbacks, access, and other applicable development standards that would be required.

One issue that was not noted in the Hart, King and Coldren Reports, is that the Pacific MHP is located in the Coastal Zone and therefore this proposed Subdivision must be in compliance with both the Coastal Act and the Mello Act.

The City of Los Angeles was able to stop the Subdivision Condo Conversion of Pacific Palisades Bowl Mobile Home based on the Coastal Act and Mello Act requirements. The following is a summary of the Second District Court of Appeal regarding this requirement:

On August 31, 2010, in Palisades Bowl, the Second District Court of Appeal ruled that a subdivider proposing to convert a rental park to resident ownership under Section 66427.5 must also comply with the requirements of the Mello Act and Coastal Act when the park is located in the coastal zone. In that case, a park owner sued the City of Los Angeles after the City rejected as incomplete its application submitted under Section 66427.5, because the park was in the coastal zone. The park owner refused to submit an application for a coastal permit or obtain clearance under the Mello Act for the preservation of low and moderate income housing.

The issue before the court was whether Section 66427.5 barred the City from requiring compliance with the Mello Act and Coastal Act. No prior published court decisions have addressed these issues. The court ruled that notwithstanding Section 66427.5, the park owner was also required to comply with the Mello Act and the Coastal Act based on the paramount legislative intent behind those statutes. The Mello Act forbids approval of a conversion application for existing residential dwelling units in the coastal zone occupied by persons of low or moderate income, unless the applicant provides for replacement of those dwelling units to persons or families of low or moderate income housing. The court ruled that Section 66427.5 does not provide the protection mandated by the Mello Act. The court also found that the Coastal Act was enacted to ensure a balance between protection of coastal resources and development by providing a comprehensive statutory scheme regulating land use planning in the coastal zone,

including preservation of housing opportunities for all persons. Economic Displacement on, and economic hardships of those on fixed incomes, and the elderly homeowners in the Pacific Mobile Home Park have been discussed at both the Planning Commission and the City Council level, letters and evidence backing up the statements made by Pacific homeowners and others. The income levels are known by the Park Owner and the proposed cost of the "lots" for those who can qualify, and the proposed "market rents" to be charged to those above the low income status, are beyond any amount the majority of homeowners can afford. This is a form of "forced conversion." Mobilehomes will not have a value even equal to the mortgage outstanding. Under the Approved conversion, those rental homeowners who still owe a mortgage of say, \$200,000 who wish to sell their home, must include the cost of the lot under their home, probably an average of \$300,000. It is very unlikely that the home and space would sell for a minimum of \$500,000 (not counting closing costs and commissions).. Whatever the scenario, the homeowner will lose any equity accrued in the home, and in many cases may end up paying more to sell just to keep his credit up. Many will have to walk away, or accept a "reverse mortgage" if they already own their home with no mortgage. Also, these potential purchasers of lot are unaware of what their taxes would be. For an example, according to the latest 2012-2013 tax bills for homeowners who purchased their "lots" in the Windward Village Mobile Home Park located in Long Beach, the average purchase price of the "lots" are \$150,000 and their average home values are \$60,000 (totally an average of \$210,000). Their tax bills average \$2000 every six months. Taking that actual scenario, the taxes for those who chose to purchase at the Pacific MHP, at an average lot price of \$300,000, the homeowners will be taxed on an average of \$360,000 much more than that which is being charged at Windward Village. Taxes may be between \$3000 and \$3500 every six months. These low income people have not been told this information, and if they do purchase, they will not have the funds to pay the taxes, and subsequently will lose their homes and any down-payment that they have made.

This Request for Denial has addressed the most recent court cases' applicability to the importance of the City Council 's assessment of the facts for denial of the Subdivision to prevent non-bona fide resident conversions; recent decisions by other cities to deny subdivision condo-conversion; failed condo-conversions that form an undesirable precedent; potential economic displacement of fixed income and elder homeowners; and failure to disclose potential financial obligations, such as property taxes.

Respectfully submitted,

Mary Jo Baretich
President, Cabrillo Wetland Village HOA, Cabrillo Mobile Home Park
Member, Mobile Home Advisory Board
GSMOL Zone C Vice President
(714) 960-9507

Expected Close Date: 11/16/2012

[Click here to access the request](#)

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

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Friday, November 16, 2012 3:50 PM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12858 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Kathy Vaughan

Description: I have been a home owner in Pacific Mobile Home Park ('PMHP') for 12 years. I am against the subdivision of the park, at this time, and ask that the City Council NOT approve the request. Please see the attached photos and letter presented as evidence against the the application.

Expected Close Date: 11/19/2012

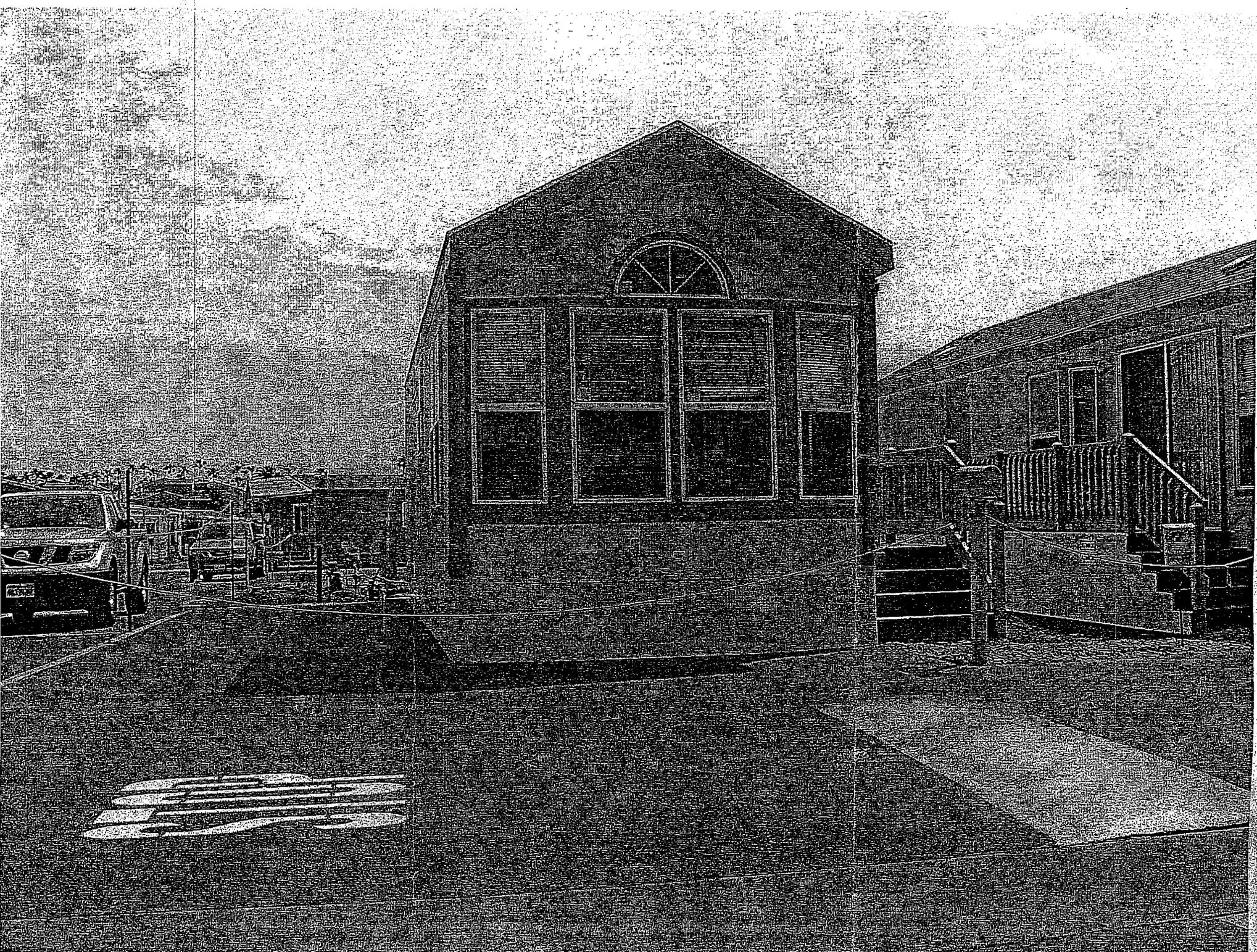
[Click here to access the request](#)

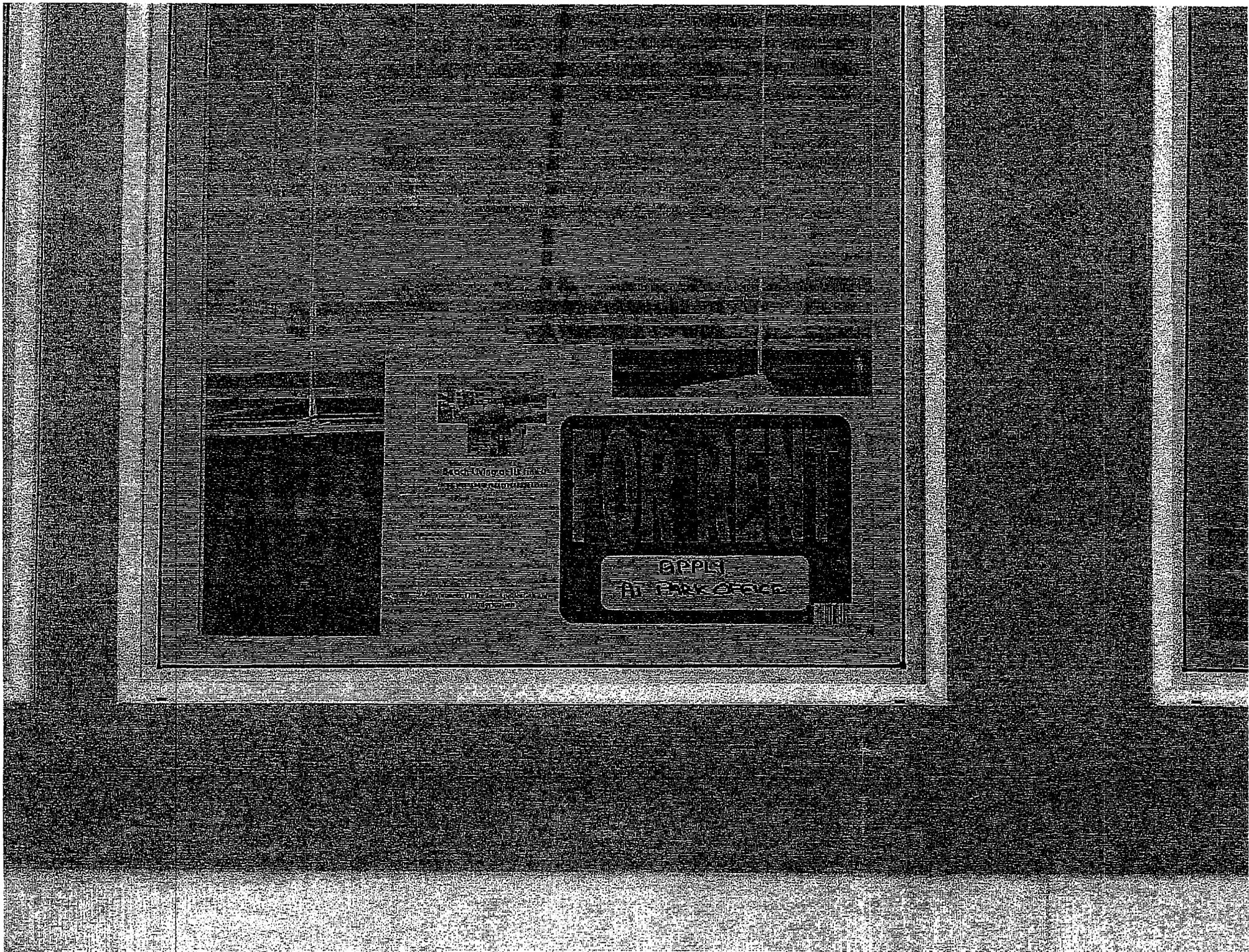
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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 24





Ross, Rebecca

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 10:55 AM
To: Ross, Rebecca
Subject: Surf City Pipeline: You have been assigned a new Request #: 12861

Request # 12861 from the Government Outreach System has been assigned to you by Judy Demers.

Request type: Comment

Request area: Zoning for your Property

Citizen name: Jodie Wollman

Description: Honorable Mayor and City Council
c/o Joan Flynn, City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Request for Denial of Application for Subdivision, regarding the November 19, 2012
City Council Agenda Item 24
Tentative Tract Map No. 17397 and
CDP No. 10-017, Pacific Mobile Home Park Subdivision

Dear City Council Members:

I am opposed to this Subdivision at Pacific Mobile Home Park. I am requesting that you deny the application, or at least postpone your decision, so that the residents of Pacific Mobile Home Park can better analyze this issue and new information that has been brought to our attention.

Based upon the turmoil caused by the approval of the Huntington Shorecliffs Mobile Home Park Subdivision in 2010, the huge rent increases caused by that approval, and the exodus of nearly one-third of their residents, I feel an approval of a Subdivision of Pacific Mobile Home Park would prove to be just as devastating.

We need to have time to conduct our own Homeowners Association Resident Survey.

Please postpone your decision for the sake of the homeowners at Pacific. We wish to have a peaceful quality of life, and not be forced to lose the only homes we have and love.

Sincerely,

Jodie

Pete and Jodie Wollman
19361 Brookhurst Street, Space 84

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 24

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Friday, November 16, 2012 3:58 PM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12859 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Carolyn Matthews

Description: Agenda items 27,28 and council meeting Nov 19th, Monday, to be dedicated to the coyote topic as promised by council members in October.

We will be attending this meeting and providing you with the petition and more information.

We would appreciate if you would not leave this topic to the very end of the meeting because of my disabilities and cannot sit or stand for a very long time.

**** DO NOT PUBLISH my phone number. Thank you

Expected Close Date: 11/19/2012

[Click here to access the request](#)

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 27

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 10:27 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12875 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Ronald M. LANDAU

Description: 19 Nov 2012 Agenda: Please approve items 27 and 28 re feeding and trapping of coyotes. I live in the Fountain Glen senior community and have been challenged by coyotes as I walked my dog. These critters are a menace and must be removed from HB. Government exists to protect its citizens. APPROVE ITEMS 27 & 28 TONIGHT!!!

Expected Close Date: 11/20/2012

[Click here to access the request](#)

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 27

Esparza, Patty

From: Fikes, Cathy
Sent: Thursday, November 15, 2012 2:57 PM
To: agendaalerts@surfcity-hb.org
Subject: FW: Offer to help solve coyote conflicts in Huntington Beach
Attachments: Local Leader's Guide.pdf; WhyKillingCoyotesDoesn'tWork.pdf

From: Lynsey White Dasher [mailto:lwhite@humanesociety.org]
Sent: Thursday, November 15, 2012 2:10 PM
To: Hansen, Don; Dwyer, Devin; Boardman, Connie; Bohr, Keith; Carchio, Joe; Harper, Matthew; Shaw, Joe
Cc: Fikes, Cathy; Jennifer Fearing
Subject: Offer to help solve coyote conflicts in Huntington Beach

Dear Mayor Hansen & Council Members,

I am writing on behalf of The Humane Society of the United States (HSUS) and our more than 11 million constituents, including nearly 1.3 million in the state of California and more than 1,000 in the city of Huntington Beach, to urge you to vote no on the proposal to trap and kill coyotes in the city of Huntington Beach at this Monday's city council meeting.

In my previous communications (copied below), I have already detailed the reasons why killing coyotes does not work to solve conflicts with people and pets. Communities across the country have tried this approach and failed, wasting taxpayer dollars in the process. Trapping programs can also divide communities, creating hostility and distrust of government officials among residents. (For several examples of this, please see our attached *Guide for Local Leaders: Living with Wild Neighbors in Urban and Suburban Communities.*) We at HSUS have heard from many residents of Huntington Beach that are vehemently opposed to the trapping of coyotes and are very upset at the prospect that coyotes will be killed. You have undoubtedly heard from many of them too.

The most successful coyote management programs (such as those in Denver, Colorado, Calabasas, CA, and Wheaton, IL) focus on addressing the root causes of human-coyote conflicts. Eliminating food attractants, ensuring that pets are attended and walked on leashes, and getting the public involved in hazing habituated coyotes are the building blocks of successful programs. (By passing the proposed anti-feeding ordinance at Monday's meeting, you will already be taking a positive step in this direction).

The HSUS is willing to work with you to develop a successful coyote management plan for Huntington Beach, as we have with many communities across the country. Please contact me at your earliest convenience so that we can begin this process.

Sincerely,
Lynsey White Dasher
Urban Wildlife Specialist
Wildlife Response, Innovations & Services
lwhite@humanesociety.org
t 301.258.3175 f 301.258.3080

The Humane Society of the United States
2100 L Street NW Washington, DC 20037
humanesociety.org

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 28



Celebrating Animals | Confronting Cruelty

To support The Humane Society of the United States, please make a monthly donation, or give in another way, via a gift donation or memorial donation or donating your vehicle. You can also volunteer for The HSUS, and see our 55 ways you can help animals.

The HSUS is rated a 4-star charity (the highest possible) by Charity Navigator, approved by the Better Business Bureau for all 20 standards for charity accountability, voted by Guidestar's Philanthropedia experts as the #1 high-impact animal protection group, and named by Worth Magazine as one of the 10 most fiscally responsible charities.

From: Lynsey White Dasher

Sent: Monday, September 17, 2012 11:30 AM

To: 'dhansen@surfcity-hb.org'; 'Devin.Dwyer@surfcity-hb.org'; 'connie.boardman@surfcity-hb.org'; 'kbohr@surfcity-hb.org'; 'jcarchio@surfcity-hb.org'; 'matthew.harper@surfcity-hb.org'; 'joe.shaw@surfcity-hb.org'

Cc: 'CFikes@surfcity-hb.org'; sbushhousen@hbpd.org

Subject: Effective solutions for coyote conflicts in Huntington Beach

Dear Mayor Hansen & Council Members,

After having recently traveled to the city of Huntington Beach (from Washington DC) to provide a free workshop for your residents in effective and nonlethal methods for preventing and resolving coyote conflicts, I am very disappointed to learn that the city is currently considering a trapping program to remove coyotes.

Please note from the outset that The HSUS fully understands the distress experienced by your community when coyotes attack domestic pets. However, trapping is not the answer for this kind of problem and may actually make your problem worse. The main problem with trapping is that it results in the continual influx of new coyotes, particularly migrating 2-year old coyotes in search of new home ranges. In addition, coyote populations that have been trapped will compensate by producing more pups, resulting in an increase in the population. Most importantly, trapping problem coyotes does not address the root causes of coyote conflicts and thus conflicts will continue.

The best way to prevent attacks on pets is to educate residents about the importance of keeping cats inside, keeping dogs on leashes, and attending pets when outside. Small pets that are unattended by humans look very similar to a coyote's natural prey (such as a rabbit, groundhog, or squirrel). An attack on an unattended pet does *not* indicate a danger towards people or children because the coyote does not associate this unattended, free-ranging pet with a human owner.

If coyote sightings are becoming more common in your community and coyotes are exhibiting unusually bold behavior, it is almost certainly because they are being fed by people in your community. Some people intentionally feed wildlife because they like the experience, and some accidentally feed wildlife by leaving cat and dog food outside. Pet food, fallen fruit, unsecured garbage, and compost piles are all attractants that lure coyotes into residential neighborhoods and until these attractants are eliminated, coyotes will continue to visit your residents' back yards.

Most coyotes are naturally very wary of people. Coyotes that have learned that neighborhoods are a source of food, however, may become habituated to people. Habituated coyotes may venture into people's yards and do not run away when encountering people. In these cases, a technique called **hazing** is particularly effective. This involves scaring the coyote away by yelling at it and waving your arms, using noisemakers such as whistles and air horns, or throwing objects such as tennis balls at the coyote. These actions reestablish the natural fear of humans back into habituated coyotes, and these coyotes will stop visiting these areas. Communities such as Denver, Colorado have successfully used hazing to eliminate aggressive or undesirable behavior in coyotes and/or coyote family groups (such as attacking pets, resting in parks during the day, following joggers) in various parks, school grounds, and residential neighborhoods.

Since implementing their Coyote Management Plan in 2009, Denver has experienced a dramatic drop in the number of coyote complaints from residents and has had no human attack incidents. Aggressive or undesirable behavior in coyotes and/or coyote family groups (such as attacking pets, resting in parks during the day, following joggers) has been successfully eliminated in various parks, school grounds, and residential neighborhoods with the use of hazing techniques. A recent survey of residents in the Denver area (implemented by HSUS & Denver Parks & Recreation) also recently revealed that the coyote hazing trainings offered by the county (free for residents) have been successful in reducing the fear of coyotes among residents. Please find more information about Denver's program attached.

I have worked with many communities across the country to help them develop and institute effective coyote programs, and have learned that the most effective programs are those that are community-wide efforts. It is necessary not only to educate the residents in your city about how to eliminate food attractants in their yard and how to properly protect their pets, but also to get them involved in hazing habituated coyotes. Your police department has already made a positive step in this regard by holding the educational program for residents on August 14, by posting it on your city website, and by posting our fact sheets about solving problems with coyotes on your city website as well. However, more efforts are needed in your community. If you haven't already viewed the recording of my presentation, I do hope that you will at least take the time to view this information before making a decision:

<http://www.huntingtonbeachca.gov/residents/videos/hbtv3/coyote-meeting.cfm>. Please also see the attached fact sheets for more information.

Instead of instituting a trapping program to attempt to remove problem coyotes, please instead choose to address the root causes of the coyote conflicts in your city by focusing on effective techniques for solving coyote conflicts, including educating the public and hazing problem coyotes.

I would love to talk to you to answer any questions and offer our assistance. Please call me anytime at the number below.

Sincerely,

Lynsey White Dasher

Urban Wildlife Specialist

Wildlife Response, Innovations & Services

lwhite@humanesociety.org

☎ 301.258.3175 ☎ 301.258.3080

The Humane Society of the United States
2100 L Street NW Washington, DC 20037
humanesociety.org

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THE HUMANE SOCIETY
OF THE UNITED STATES

Celebrating Animals | Confronting Cruelty

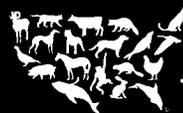
To support The Humane Society of the United States, please make a monthly donation, or give in another way, via a gift donation or memorial donation or donating your vehicle. You can also volunteer for The HSUS, and see our 55 ways you can help animals.

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Living with Wild Neighbors in Urban and Suburban Communities

A Guide for Local Leaders



THE HUMANE SOCIETY
OF THE UNITED STATES

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THE HUMANE SOCIETY
OF THE UNITED STATES

FOREWORD

Few issues facing local leaders are potentially more fractious than those involving wild animals. These issues can often dominate months and sometimes years of a political career.

Wildlife questions can make up half the incoming calls to local animal care and control agencies. Issues with Canada geese, beavers, coyotes, and deer are growing; yet as we suburbanize, the traditional reactions to conflict (poisoning, trapping, or killing) have become unpalatable to a wide cross section of constituents—and increasingly expensive.

This guide examines how typical conflicts over wildlife develop in local communities. It provides background on the issues, options for resolving conflict, and resources for more in-depth information and assistance. The how-to information here focuses on four species. But the information about the players—from resource managers to members of the public—and the processes to resolve conflicts applies to all four and to conflicts with any wild species in any community.

Working with committed political leaders for over fifty years, The HSUS has developed alliances with animal protectionists, farmers, hunters, and other stakeholders to build successful programs in communities throughout the United States and abroad. We hope this step-by-step guide will assist community leaders in evaluating problems, resolving conflicts and building better communities.



Holly Hazard
Senior Vice President, Programs & Innovations



WHY IT'S ON YOUR DESK

Calls about wildlife are common for local officials. Residents are concerned about Canada goose droppings or deer nibbling shrubbery in the park. Roads departments deal with beaver dams clogging up culverts. Reporters ask about a recent sighting of coyotes near a popular nature trail.

Many issues involving wild animals occur on or impact public property and resources. Citizens also look to local government to assist with wildlife questions and concerns in their own yards or homes. As wild animals don't recognize property boundaries, issues with wildlife are usually not limited to one yard. Therefore, these issues can best be managed at the community level.

Local agencies have varying levels of expertise in wildlife. Knowing a lot about the specific animal at issue is helpful but rarely sufficient to reach a solution. In nearly all situations in which people say they have a wildlife problem, part of the conflict is not between animals and people but between people who want many, often inconsistent, outcomes.

People expect public agencies to deal with wildlife issues. Federal and state government agencies have specific, but limited, roles in handling wildlife issues. They rarely intervene locally unless there's a significant immediate risk of harm to people—such as a cougar or bear in a schoolyard—or to a highly valued, protected animal—such as an endangered species. So, most wildlife issues fall on local agencies and local leaders.

WHY WILDLIFE ISSUES ARISE IN CITIES AND SUBURBS

In recent decades, our cities and suburbs have grown and taken over rural areas. Many wild species take advantage of conditions they find—the conditions we created.

We unwittingly created ideal habitat in our cities and suburbs for many wild species. If you could ask a Canada goose what the perfect place to live looked like, she would describe a golf course. While we think of white-tailed deer as forest dwellers, they actually prefer edge habitat—places where woods meets open areas, common in modern suburbs and along our highways.

City dwellers and suburbanites usually have limited experience with wildlife before an issue comes up. They often don't understand why a problem occurs and rarely have experience with similar conflicts. They look for an easy "silver bullet" solution which almost never exists.

A common misconception is that getting rid of the animals will get rid of the problem. The reality is that nature abhors a vacuum: Removing animals simply allows the remaining animals to reproduce more successfully and invites more in to fill the empty space. Effective solutions need to address the conditions that attract animals into conflict with us.



CANADA GOOSE CONFLICTS

Decimated by hunting and habitat loss, the giant Canada goose rebounded after wildlife managers found wild and captive flocks in the 1960s. They bred birds in captivity and relocated them throughout the United States. With clipped wings preventing flight, birds could not fly to traditional breeding grounds to nest and rear their young.

Giant geese aren't strong migrants to begin with, and captive-bred birds didn't have migrating parents to teach them. So they settled year-round in cities and suburbs where expansive lawns, parks, golf courses, and artificial ponds made perfect goose habitats.

These resident flocks expanded, and by the mid-1980s, some communities thought they had too many geese. The same state and federal agencies that had propagated Canada geese called for killing them.

Agencies' Roles in Canada Goose Management

- U.S. Fish and Wildlife Services sets a broad framework for hunting, while state wildlife agencies set specific rules.
- Hunting is the main tool agencies use to try to change the numbers of geese.
- USFWS allows some management activities for resident Canada geese, including egg addling, without the usual individual permit.



MEET THE ANIMALS

Canada Geese

“Not so long ago, the presence of Canada geese on a neighborhood pond was an unusual enough sight to draw a crowd. Today the crowds are composed of geese, not people.”

Wild Neighbors: the humane approach to living with wildlife

- Resident flocks can be traced back to wing-clipped and relocated geese, placed here by wildlife managers. They now thrive in habitat we create.
- Two factors can tie geese to their favorite spots in mid-summer: raising flightless young and molting (when worn flight feathers are replaced).



MEET THE MANAGERS

U.S. Fish and Wildlife Services (USFWS)

“As a former director of the Fish and Wildlife Service and a career biologist, I know the personal and professional commitment government scientists have to our nation’s irreplaceable wildlife.”

Jamie Rappaport Clark

- USFWS is charged with protecting nearly all bird species.
- Officials aren’t usually involved in issues and situations with common urban mammals and reptiles.



MEET THE PUBLIC

Local Public Facilities Users—park visitors, sports teams, golfers, drivers

“Every park has its beauty and its prospects ...”

Jane Austen

- Many visit local parks to enjoy nature and see wild animals.
- Others can be unwilling to share public areas with wild animals.



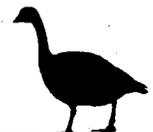
MEET THE PUBLIC

Animal Lovers—wildlife watchers, pet owners, non-governmental humane organizations

“Animals suffer as much as we do. True humanity does not allow us to impose such sufferings on them.”

Albert Schweitzer

- They value animals for themselves, as well as for their benefits to people.
- They reject lethal control as cruel, excessive human interference in nature, and unnecessary to resolve conflicts.



Problem

Geese graze on lawns. They also defecate where they graze, raising the ire of people who use these areas. Though research has not found any significant health threats from goose feces, people understandably want to avoid contact with any animal feces, and abundant deposits on playing fields and in high traffic areas make that difficult. Geese may also create potential traffic hazards in some areas by crossing roads and foraging near roadsides.

Solution

Communities' conflicts with geese focus not just on numbers of birds but on where they are and when. The concentration of geese in open grassy areas, particularly in mid-summer when people want to use those areas, is a hot button issue. Solutions need to address the specific conflicts and the sites on which they are occurring. GeesePeace™, an organization dedicated to building better communities through innovative, effective, and humane solutions to wildlife conflicts, has developed an effective template that communities can adopt.

- **Curtail Reproduction**—Treat (addle) eggs so they don't hatch to reduce future population. This frees adults from tending flightless goslings so the geese can be readily convinced to leave a site. It also halts the cycle of breeding.
- **Site Aversion**—Teach geese that the site is unsafe before they molt, or lose their flight feathers, in early summer. They will be reluctant to remain in an area that is unsafe when they cannot fly.
- **Habitat Modification**—Reduce food, reduce preferred nesting and brood-rearing areas, and increase the sense of danger so the site is less attractive to geese.

Effective solutions to goose conflicts get synergy from combining two or three key components—especially curtailing reproduction and site aversion. So, curtailing reproduction is almost always the most important first step. It has been used successfully for more than a decade in many communities.

Geese favor places with plenty of open grass and water for raising young. These sites can be the source of conflicts throughout the summer while parents stay close to flightless goslings. The actual nests, however, may be some distance from these nurseries. To addle, volunteers and staff must find the nests—either on your site or on your neighbors' property. In many communities, this means getting neighbors into the program.

Each site doesn't have to solve the conflict alone. Community wide programs have a number of advantages:

- Reduces hatching wherever geese nest—benefiting sites where geese nest and sites where geese spend other parts of the year.
- Addling volunteers can be recruited from throughout the community and deployed where needed.
- Resources, like trained border collies, can be shared across properties.

TRUE STORIES

Canada geese in Olney, Maryland

A property manager convinced the Environ Homeowners Association board to round up and kill Canada geese in a suburban condominium community—and to keep the decision to themselves so the geese would be killed before residents knew or could object.

But residents learned about the plan at the eleventh hour and many objected strongly. The manager and board stonewalled. The property manager, aware a petition against killing was circulating, got the trapper out before business hours while the petition was sitting on her office fax.

One hundred geese were gassed to death in front of residents and video cameras. Footage played on the evening news and the story ran in major papers. The decision makers believed the end of the geese would be the end of their problems.

Goose lovers were doubly incensed and other residents were angry about the secretiveness. Half the board lost seats at the next election, and the new board replaced the property manager. Hard feelings lingered, staining many other areas of the community's life, and the community's public image suffered.

Canada geese at Lake Barcroft, Virginia

The homeowners' association of this lake community considered rounding up and killing Canada geese. When some residents insisted there had to be a better way, the board agreed to suspend the round-up plan to allow a committee to investigate alternatives.

The committee formed an action team, naming themselves GeesePeace. They built momentum and support within the community by targeting small, finite, achievable objectives. They also avoided putting all their (goose) eggs in one basket and didn't rely on any one product or technique that, if it failed, would doom the entire effort. Different techniques were combined to craft solutions for specific elements of the larger goose conflict. At Lake Barcroft, annual addling is followed by harassment from border collies. After several years, the dogs became unnecessary: The geese have learned to leave in May after they fail to produce young. The summers are goose-nuisance free.

Now successful for more than a decade at Lake Barcroft, GeesePeace showed that humane treatment of wildlife is a source of community strength, spirit, and positive action with benefits reaching far beyond solving a wildlife conflict. In GeesePeace's experience, the differences between successful, harmonious communities and those in conflict are leadership and commitment to action.



COMMON LESSONS

Lake Barcroft and Environ faced similar dilemmas. One ended with a win-win situation for the human and avian residents, and one did not. The big difference was the decision-making process. As with most things in life, how you go about making decisions about wildlife issues is at least as important as what decision you reach.

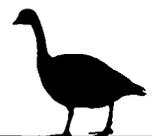
Local leaders can avoid or defuse conflict with an open and transparent process. Such an approach offers several benefits (adapted from the Institute for Local Government):

- Better identify the public's values, ideas, and recommendations.
- Better inform residents about issues and local agencies.
- Better decisions and better actions, with better impacts and outcomes.
- Enhance community buy-in and support; less contentiousness.
- Faster implementation with less need to revisit decisions.
- More trust—in each other and in local government.
- More community participation and leadership development.

To achieve these benefits, decision-making should truly engage the public. Among recognized best practices, a few are keys in resolving wildlife conflicts:

- **Transparency**—the process is clear to all.
- **Authentic intent**—the process generates public views and ideas to help shape local action or policy, not to persuade residents to accept a decision that has already been made.
- **Broad participation**—inclusion of a wide range of people and viewpoints ensures that all concerns are taken into consideration.
- **Authentic use of information received**—public contributions are seriously considered by decision makers.

The Environ HOA's decision-making was opaque, limited to views that agreed with favored outcome, and deaf to discordant views to the point of dodging a properly submitted petition. In contrast, Lake Barcroft's process was transparent, inclusive, and used residents' input to create a new programmatic approach now being replicated in numerous communities elsewhere.



DEER CONFLICTS

Deer—white-tailed, black-tailed, and mule deer—are the most recognized wild animal in North America and the largest wild animal most people encounter. But not long ago, deer were hunted so intensively they had almost disappeared from many places. Like Canada geese, wildlife managers actively restored populations and managed herds with the aim of having more deer.

And like Canada geese, deer thrive in our densest communities. Deer are icons of the wild forest, but in fact the edges where woods and open areas meet can support more deer than the same size area covered by trees. They find shelter in the woods and food in the open areas.

MEET THE ANIMALS

White-tailed Deer

"Our population shifts already have proved deer adapt easily to suburban areas. ... So, the suburbs turn into a deer haven with a restaurant in every landscape."

Ward Upham, Kansas State University Cooperative Extension

- Deer thrive in the ideal urban/suburban edge habitat that we've created.
- Deer cross roads to reach needed resources, moving more at dawn and dusk and during the fall rut (mating season).
- Bike trails, railways, conservation set-asides, and utility right-of-ways serve as deer highways through suburbia.
- Deer are drawn to the salt that collects along the edges of highways treated during snowstorms.



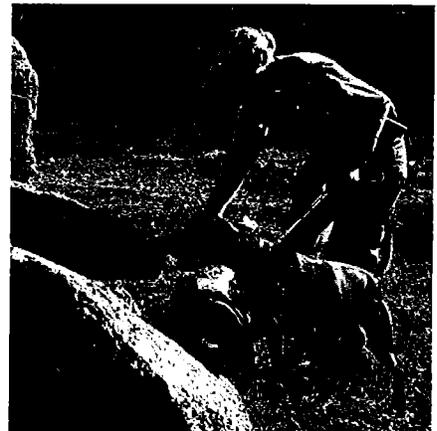
MEET THE MANAGERS

State Wildlife Agencies or Departments of Natural Resources (DNR)

"State wildlife agencies face tremendous challenges attempting to conserve declining wildlife and dwindling habitats, while meeting skyrocketing wildlife conservation education and recreation demands—all on a shoestring budget."

*David Waller, former director Georgia DNR
Wildlife Resource Division*

- These agencies regulate hunting, fishing, and trapping (consumptive uses), making license fees the main revenue source and consumptive users a major constituency, even while their numbers are small and declining.
- They enforce state wildlife laws against poaching.



MEET THE PUBLIC

Private Property Owners—homeowners, gardeners, HOAs, others

It is utterly forbidden to be half-hearted about gardening. You have got to love your garden whether you like it or not.”

W.C. Sellar & R.J. Yeatman, authors of Garden Rubbish

- Some are concerned about wild animals damaging their properties.
- Some provide attractive habitat and food because they want wild animals to share their properties.



MEET THE PUBLIC

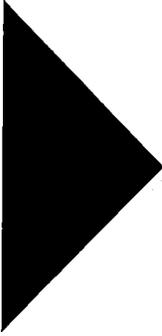
Conservationists—birders, local land conservation groups, environmentalists

“Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web, we do to ourselves. All things are bound together. All things connect.”

Attributed to Si’adl (Seattle) Dkhw’Duw’Absh chief

- Some actively engage with nature (hiking, watching wildlife); many value nature for its general benefits to society.
- Some place different values on different wildlife species, and some value plant communities or ecosystems as highly as or more highly than they value some wildlife species.



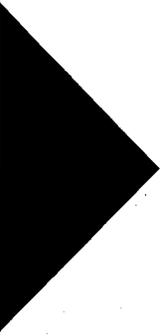


Problem

Common broad-leaved plants in our lawns and flowers and shrubs in our landscaped beds are succulent treats to deer. Some people are thrilled to see a doe and fawn on their lawn, while others don't want their landscaping browsed. Public parks can face this same dichotomy: Where deer browse heavily, local park managers, conservationists, and birders worry about young trees and understory plants, and the animals that use those plants.

Solution

For gardens in deer country, plants that deer find unpalatable may provide a perfect solution in many cases. For others, repellents (that make plants unpalatable) may be all that's needed. For heavy browsing, fencing keeps deer away from plants.



Problem

Aside from the risk deer pose to our plantings, deer can be a safety hazard as they cross roadways to find mates or to reach food, water, or safe cover. They are also drawn to artificial roadside "salt licks" created when transportation departments treat streets in winter. Car-deer interaction can cause serious damage to both parties.

Solution

The right fencing is the ultimate solution for deer conflicts. Fencing can keep deer off the most hazardous stretches of road and funnel their movement to wildlife crossing structures or less hazardous crossing locations. Also, shifting away from using salt to melt snow and ice eliminates this attractant at the edge of our roads. But the most readily available ways to prevent deer-vehicle crashes are not in the road but behind the wheel—driver education, alertness, and controlling speed. These are especially important during fall and early winter when deer are mating and at dawn and dusk when deer are most active.

Whether communities are concerned about traffic safety, heavy browse damage, or both of these problems, immunocontraception is emerging as the humane option when a community decides that it must have fewer deer. This method of birth control uses the body's immune response to prevent pregnancy. Right now, one immunocontraceptive product (GonaCon™) is registered with the U.S. Environmental Protection Agency for use by federal and state wildlife management agencies. Another product (porcine zona pellucida or PZP) is presently being used on deer experimentally and will likely be registered in the near future. PZP has stabilized or reduced deer population size to recommended management levels at three study locations.

Problem

Deer are one host of the ticks that spread Lyme disease. But removing deer doesn't get rid of the ticks—the parasites simply latch on to the remaining deer. Nor are deer the only home for the ticks; mice and other small animals are equally significant harbors of pre-adult ticks. Changes in *their* numbers are more important than deer numbers in terms of how many people contract Lyme disease.

Solution

The way to reduce rates of Lyme disease is to reduce the number of ticks—and thus the number of ticks carrying the disease—and keep ticks and people apart.

- Change landscaping to make it less hospitable to ticks and their hosts (especially mice) by keeping vegetation low and removing debris piles.
- Encourage people to use anti-tick measures such as appropriate clothes and repellents when they're outdoors and to check for ticks after they come inside.
- Exterminate ticks on mice and deer with pesticides like those used on pets delivered through innovative devices. By using the 4-Poster Deer Treatment Bait Station to do this, *deer* can actually help *reduce* the incidence of Lyme disease in a community.

TRUE STORIES

Deer in Solon, Ohio

Solon, an affluent suburb of Cleveland, was named for an ancient Athenian known as the father of democracy. But recently Solon has become better known as a conspicuous example of a community fractured by controversy over deer management.

In 2005, the city of Solon hired a private company to shoot deer. This was not deer hunting. With the cooperation of some citizens, shooters put out attractive bait in residential yards so naïve deer could be easily shot.

Residents asked the city to listen to their input on deer management decisions and consider alternatives to killing. Some residents raised safety concerns. Others pointed out that when deer numbers go down reproduction goes up, so herd size rebounds quickly. The City Council decided to go ahead with the killing despite resistance from a growing number of concerned citizens.

The outcome was neighbor pitted against neighbor and residents at odds with city officials—and controversy continually played out in the press. There were legal challenges to the city's actions. Citizens formed a coalition to oppose both the deer killing and the re-election of City Council members who supported it.

Some homeowners put out bagfuls of corn to direct deer away from backyards where shooters waited. Others tearfully requested that the shooter spare individual beloved deer. One woman reported that she had to seek medical treatment for emotional trauma. Another said her kids couldn't sleep at night because they were so upset. Meanwhile, the city considered a proposal to make it illegal to feed deer rather than addressing residents' concerns.

From 2005 to 2009 the city paid over \$800,000 to kill 1,300 deer—about \$400 per deer. The killing only stopped when the city, faced with a tight budget, decided it was too expensive. Deer numbers rebounded. The program had accomplished nothing.

Despite the failure of killing to resolve deer conflicts, an internally prepared plan to resume killing was approved by the City Council in 2011. In addition to shooting baited deer, however, city employees and residents would be allowed to hunt the animals with cross bows, and deer would be trapped in nets and killed. Given that bow hunting and trap-and-kill are less efficient than sharpshooting, not to mention less humane, it is highly likely that the new plan will yield even less satisfactory results than the previous one and the overall "deer problem" will continue.

Meanwhile, resident Lane Ferrante organized a successful petition drive to put an anti-lethal control question on the ballot. Although the measure did not pass, 38 percent of the voters supported it. John Nolan, spokesman for local residents advocating humane management, believes the city should have taken input from "non-lethal proponents – a significant segment of the population that needs to be addressed." In a town named for the father of democracy, it shouldn't be so hard for the people's voices to be heard on this issue.



TRUE STORIES

Deer on Fripp Island, South Carolina

In 2001, the developing coastal resort of Fripp Island had all the usual concerns about white-tailed deer eating garden plants, walking on the roads, and being hit by cars.

The Fripp Island Property Owners Association (FIPOA) formed a committee which did a study, reported results, and surveyed residents. They proposed three options: 1) do nothing, 2) shoot deer, or 3) immunize deer with contraceptives.

For a while the association did nothing. The prospect of shooting deer was distasteful to many residents, and all of them recognized shooting would only reduce numbers temporarily, since fewer deer sharing the food leads to more births of multiple fawns. FIPOA concluded shooting would be more expensive and less effective than contraception.

In 2005, FIPOA invited The HSUS and Tufts University Cummings School of Veterinary Medicine to carry out a study of the PZP contraceptive vaccine on area deer. PZP had been used on deer before, as well as on wild horses, elephants, and a host of species in zoos, with a good track record of safety and effectiveness.

There was a problem, though. PZP had to be given twice in the initial year, and every year thereafter. This is fine for zoos, but free-roaming deer and wild horses don't always show up for their annual injections. A single-shot vaccine that would last for several years was needed.

Working under a research permit granted by the South Carolina Department of Natural Resources, the research team contracepted 243 female deer on Fripp Island between 2005 and 2010. They used several different PZP vaccine test preparations, including "timed-release" pellets, looking for the best multi-year, single-shot option. These pellets were successfully produced and demonstrated.

Notwithstanding a few glitches, the PZP treatments worked. As of 2010, the number of fawns born dropped by over 80 percent, while the general population had decreased by about half. Residents on the island are pleased, remarking to researchers that they see fewer deer and the deer they see look healthier. With the data collected at Fripp and elsewhere, the research team will ask the U.S. Environmental Protection Agency to formally register PZP as a deer contraceptive so it will be available to other communities.



COMMON LESSONS

In the early 2000s, some Fripp Island and Solon residents were concerned about deer, some didn't think deer were a problem, and some didn't think about deer at all. Wildlife issues tend to move through common stages, but different members of the community will be at different stages as the issue evolves (adapted from The Northeast Wildlife Damage Management Research and Outreach Cooperative):

- **Concern**—some individuals or groups see undesirable impact from wildlife.
- **Involvement**—some concerned people contact decision makers. Different stakeholders often see things very differently at this stage. Concerned people may see “too many animals” while others think those people are intolerant or unwilling to adapt.
- **Issue**—general agreement can form about the primary impacts. Agreement about the existence and nature of a problem is essential to progress towards resolution.
- **Alternatives**—people suggest different actions to address the issue.
- **Consequences**—likely outcomes of adopting different alternative actions are evaluated from different perspectives.
- **Choice**—ideally stakeholders themselves resolve differences and choose acceptable actions.
- **Implementation**—chosen actions are taken.
- **Evaluation**—impacts of actions are assessed. If not done formally, people will still judge the actions taken.

The process is rarely perfectly linear, but fitting an issue into this framework can help determine what kind of responses can be helpful and appropriate. For example, examining alternatives suggested by a limited circle before there is broad agreement on the issue is a common point of serious conflict. And even when there is general agreement on the issue, agreement on actions will rarely follow automatically.

Solon floundered where there was lack of general agreement about a “deer problem” and the city bulldozed ahead without seriously considering alternatives to their pre-selected action. Solon seems entrenched in excluding stakeholders even after years of controversy. Its new deer management plan was produced by city staff headed by the strongest proponent for lethal control.

FIPOA, on the other hand, used a deliberate process to engage a range of stakeholders in their community and reach a decision. As with many communities, they formed a committee and asked residents for their input. Involving stakeholders in the decision process can significantly reduce conflict. But effective stakeholder engagement is not one-size-fits-all. FIPOA's committee and survey are examples of just two of many possible techniques to involve stakeholders.



Start by thinking about the steps to guide the stakeholder engagement process (adapted from The Northeast Wildlife Damage Management Research and Outreach Cooperative):

- **Understand the situation**—fit the issue into the framework (above) and review what the community already knows and is already doing.
- **Identify stakeholders**—include individuals and groups who 1) are interested, 2) are affected, and/or 3) can influence management. Don't exclude stakeholders who disagree.
- **Set clear objectives**—with stakeholders, determine what role they will play and what concrete objectives stakeholder engagement will reach. Stakeholder engagement should be more than a feel-good exercise.
- **Select an approach**—approaches differ in how much control stakeholders will exercise and what decision makers want the process to achieve. Placing more control in stakeholders' hands also places more responsibility there—responsibility for selecting actions that work for all in the community and for helping implement those actions.

- **Design strategies**—strategies tailored to reach the identified objectives nearly always require combinations of techniques.
- **Implement strategies**—what techniques are used can sometimes be less important than how they are used. Keep an open mind, take a broad perspective, and focus on solving problems rather than just walking through the process.
- **Evaluate**—in the end, were the objectives reached? If they were, how can they be improved? If they were not, how can they be met?



BEAVER CONFLICTS

Once driven to the brink of extinction by the fur trade, beavers are making a comeback. Yet since people now claim the many streams and ponds beavers once occupied, humans and beavers come into conflict. Conflicts focus on damage to trees and flooding, both of which can be prevented by means other than trapping. Trapping simply leaves habitat open for more animals. One study in New England and New York looked at 69 sites where people tried to fix beaver problems by trapping. Nearly 80 percent had new beaver colonies within 1 to 2 years. Protecting vulnerable resources instead of trapping resolves problems with beavers.

MEET THE ANIMALS

Beavers

"Beavers are not just a natural part of the riparian landscape, they are the architects of the system."

B.A. Schulte and D. Muller-Schwarze

- Returning to their historic range after people nearly wiped them out, beavers create wetlands, providing significant ecological benefits including maintaining a healthy water table.
- They cut trees and branches for dam-building material and for food, eating the inner bark layer in addition to leaves, shoots, and aquatic plants.



MEET THE MANAGERS

U.S. Department of Agriculture's Wildlife Services (USDA WS)

"Federal trappers like to think they're good at what they do and most of the time they are—but only when it comes to killing. When it comes to conserving ... that's where the agency is woefully, willfully sloppy."

Carter Niemeyer, retired Wildlife Services employee

- Farmers and property owners hire USDA's Wildlife Services to deal with damage caused by wild animals—often by lethal methods.
- Historically a major force in eliminating wolf and grizzly bear populations in the continental United States, USDA's Wildlife Services now kills millions of animals annually.
- The Wildlife Services program is usually funded by a combination of federal tax dollars and fees paid by farmers and property owners.



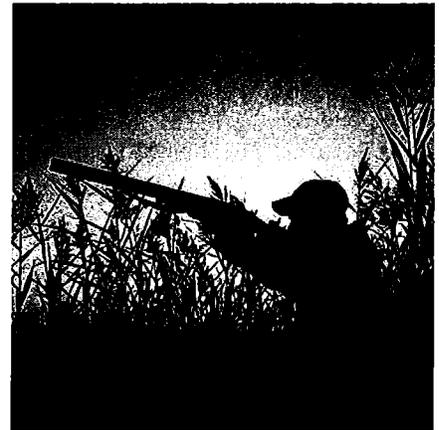
MEET THE PUBLIC

Consumptive Users—hunters, trappers, anglers

"Hunters can...rake very large bags..., but a true sportsman... will not commit such needless butcheries."

Theodore Roosevelt

- Believing animals exist for people to use, some feel consumptive activities are more legitimate than non-consumptive
- They believe consumptive activities help wildlife and local communities.



Problem

Beaver-cut trees aren't pretty, and it can be especially irksome if beavers destroy highly valued ornamental trees.

Solution

Protect individual trees with wire mesh guards or a paint-and-sand mixture. Protect stands of trees with short fences.

Problem

Sometimes beaver dams raise the water level enough to inundate nearby property. Culverts that carry water under roads, rail lines, and similar structures are especially attractive to beavers—and especially sensitive to flooding damage. Sanitary sewer lines are often laid alongside streams and in floodplains. High water levels caused by beaver dams blocking culverts can undermine roadbeds, bridge piers, and similar structures leading to serious damage and can swamp sewer lines.

Solution

Prevent blocked culverts and flooding from beaver dams by installing water flow devices.

- **Culvert Protection**—keeps beavers far enough away from culvert opening that they are no longer prompted to plug it up.
- **Flow Control**—controls water flow through beaver dam so people, rather than beavers, decide the maximum water level behind the dam.

Water flow devices work well, and communities that use them report they are satisfied with this solution. The up-front costs of water flow devices may be a concern, but investing in these long-term solutions, and doing just a little bit of maintenance, ends up saving money in the long run. The devices also have long, useful lives.

With modest maintenance a community should expect a well-built, properly installed device to prevent beaver problems for a decade or longer.

By comparison, without devices, road workers can spend significant time physically removing beaver dams and debris from culverts. Plus, damage from flooding has to be repaired. The Virginia Department of Transportation (VDOT) spent over \$300,000 per year on just 14 problem sites, or more than \$20,000 per year per site. Between June 2004 and November 2005, the state installed water flow devices at the same sites at a cost of just over \$3,000 per site. VDOT saved \$250,000 in the devices' first year of use and then spent \$20 per year thereafter, on average, to maintain them.

TRUE STORIES

Beavers in Newtown, Connecticut

Beavers have been around Newtown on and off for the last couple of decades. The town tried various means over the years to control road flooding after heavy rains where beaver dams blocked pond outlets and road culverts.

Early on, beavers were trapped and relocated but, of course, soon there were new beavers. In the years since, the town and private property owners spent considerable time and money breaking up beaver dams and clearing out blocked culverts. Newtown Forest Association spent more than \$4,000 to keep culverts clear during just one summer. Homeowner Bridget Seaman told the local Newtown Bee paper that husband Jim Walker broke up as many as seven or eight dams on their property consistently. And by consistently, Ms. Seaman said, "I'm talking every day."

The town's public works staff repeatedly cleared culverts at six sites. The public works director even recounted how he spent \$2,500 on explosives and materials to blow up beaver dams. While debris could be seen in nearby trees, the beavers rebuilt their dams overnight.

Throughout these efforts, the town encouraged trappers to trap and kill beavers. This so-called "free" fix to beaver problems is clearly anything but, since it doesn't count the considerable ongoing cost to remove dams and clear culverts. And with attractive habitat and an established local population, there will always be more beavers moving in to build dams and block culverts.

In 2010, the town installed three water flow control devices—two in adjacent culverts at the most problematic site. Things seemed to be on track to a better long-term solution for flooding problems. But a few months later, public works staff repairing the two adjacent culverts changed site conditions, damaged fencing installed to keep beavers away from the culverts, and unknowingly damaged one of the flow devices. Suddenly, beaver problems returned. The devices were blamed, even though their ability to function was impaired by the culvert repairs.

The problems with the devices could have been fixed. Instead, the town seemed to just throw up their hands and returned to the treadmill of trapping, dam removal, and culvert clearing. They can say that "something is being done," but they are not addressing the problem at its source nor ending complaints.



TRUE STORIES

Beavers in Alhambra Creek, Martinez, California

Residents of Martinez remember that they live in the hometown of conservationist John Muir. When beavers settled in Alhambra Creek right in the middle of town, Martinez ultimately found an opportunity to keep Muir's spirit alive by coexisting with these returning wild residents, although this new relationship started out a little shaky.

Alhambra Creek is prone to flooding, and Martinez spent millions of dollars on flood control. When beavers arrived and started building a dam, the city and creek-side property owners feared more flooding. The city initially proposed killing the beavers, then considered relocating them, an option that seems kinder but has dubious benefits for city and beavers. Relocated beavers would likely be replaced by new beavers in a short time. While relocated beavers sometimes survive, some do not, and all face difficulties finding what they need to live in an unfamiliar place.

Local reporter Richard Parks swore the beaver issue was the most hot-button topic he covered all year. Some local beaver supporters formed "Worth a Dam" to oppose relocation. The city council listened to the significant public opposition to removing the beavers from town and asked a committee of two council members and representatives of local stakeholders to explore and report on other options.

One of their first, and ultimately most useful, actions was to get expert advice. An expert from Beaver Deceivers, a beaver management company in New England, where beavers returned to the environment decades earlier, was consulted and installed a flow control device. When the committee researched and presented the issues and options for their urban beavers to the city council, the success of the flow control device gave credence to their coexistence recommendations.

Meanwhile, the beavers became local celebrities, visited by locals and out-of-towners, featured on their own line of souvenirs and website, and center of an annual festival. The beavers' dams created small ponds which support other wildlife that hadn't been seen in Martinez perhaps since Muir's time.



COMMON LESSONS

It's human nature for people to ask, "What's in it for me?" When we resolve conflicts with wild animals, we have opportunities to help animals that can also be opportunities to help ourselves. Doing right by beavers, and by other wild animals in our communities, pays us extremely valuable secondary dividends.

Solving beaver problems with water flow devices and tree wrapping allows beavers to create significant ecological benefits. Ecosystems with beavers have better water quality, habitat that supports more biological diversity, higher water tables, and less soil erosion, among other benefits.

Long-term solutions usually end up being less expensive than repeating cycles of stop-gap measures. Water flow devices and tree wrapping are also more humane. It works out this way for conflicts with other species as well. Long-term solutions are usually both cheaper for us and more humane.



COYOTE CONFLICTS

Coyotes have been hunted, trapped, poisoned, and persecuted ever since the early days of western settlement. Today, the old struggle between livestock producers and coyotes has been transposed onto the suburban/urban stage, as coyote sightings raise alarm and unfounded fears—and lead to misguided programs to ‘control’ or kill these animals. But trying to eliminate coyotes isn’t the answer.

Killing is ineffective and costly. Being highly intelligent, coyotes are difficult to catch. Nor will killing reduce coyote populations: When killed in large numbers, coyotes increase their reproductive rate and quickly bounce back. Despite bounties and large-scale killing over the last century, coyotes have quadrupled their range.

Trapping is inhumane. Traps and snares cause severe injuries, pain, and suffering to coyotes as well as to pets and non-target wild animals who are unintentional victims. Despite the appearance of official sanction from state wildlife agencies, who collect license fees from trappers, trapping is a business—not a public service. Trappers are in business to sell their service—trapping.

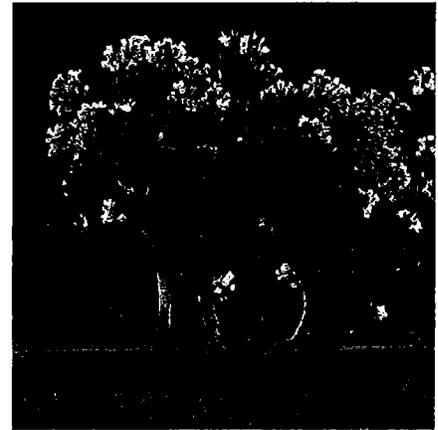
MEET THE ANIMALS

Coyotes

"Even long ago, ...Coyote was always in trouble."

Ndee (Apache) story

- Coyotes spread throughout North America after people removed wolves.
- Omnivores like their fox cousins, coyotes eat primarily small mammals (rodents and rabbits) and fruit.



MEET THE MANAGERS

Local Public Managers—parks directors, golf course supervisors, natural resource managers, roads and highways supervisors, public works directors

"All of the public should be able to enjoy safe, clean and healthy parks."

Les Chang, director Honolulu Parks and Recreation

- They serve constituents who make many, sometimes incompatible, demands on public facilities and lands.
- Though frequently in charge of developing and implementing programs to resolve human-wildlife conflicts, few have wildlife-related education or experience.



MEET THE PUBLIC

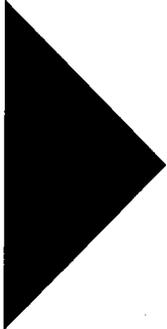
Other Members of the Public

"The most important political office is that of the private citizen."

Louis Brandeis, US Supreme Court Justice

- They can be drawn into conflicts over wild animals, sometimes bringing unrelated axes to grind.
- They expect decisions to be made openly and fairly, regardless of their views on animals.





Problem

While coyotes generally avoid humans, coyotes who have become too comfortable around people (habituated) may not run when approached. This generally happens when a coyote has found a free buffet in the form of pet food or unsecured garbage in suburban yards. A coyote who finds food in one yard may learn to search for food in others. And coyotes who come to expect this food may begin to approach people and act “too tame” or even appear aggressive.

Solution

First, educate people on removing the free buffet. Clean up leftover pet food, fallen fruit, bird seed, and open compost piles; secure garbage cans; keep cats indoors and supervise dogs when outside.

Then, add education for coyotes—hazing. Hazing can re-instill habituated coyotes’

natural fear of humans. Hazing is often as simple as being *loud* (by yelling or using homemade noisemakers) and *large* (by standing tall and waving arms). It can be scaled up to throwing small objects towards (not at) the coyote and spraying with hose, water guns, spray bottles, or pepper spray.



Problem

Coyotes are secretive animals who can live near homes for a long time without ever being noticed. Such coyotes are “abiding by the rules” and should be left alone. However, in the spring, when coyotes give birth and begin to raise young, they stay near their dens. The parents may become highly defensive and challenge any other coyote or dog that comes close to the pups. Even people walking their dogs may be challenged.

Solution

It’s important to recognize this for what it is—parents defending space and young, not random attacks. Enforcing leash laws in open spaces and natural areas will keep coyotes, dogs, and humans safe.

TRUE STORIES

Coyotes in Wheaton, Illinois

In February 2010, coyote attacks on several dogs in Wheaton spurred a heated debate. No people were ever bitten by a coyote in Wheaton, or anywhere in the entire Chicago metropolitan region, where coyotes are plentiful. But some residents worried their children were not safe and demanded the city “do something” about coyotes. And that “something” was just to repeat the past when coyotes, perceived as “nuisances” or “potentially dangerous,” were trapped and killed. Other residents and one city councilman asserted that non-lethal methods—education and hazing—were more humane and more effective, especially over the long term.

Despite objections raised at several heated city council meetings, the city hired a trapper. Over the next several months, the trapper killed five coyotes. All the while, residents who wanted a humane solution continued to voice their intense opposition.

In the end, a few residents were appeased but many others resented their community leaders. And the city had done nothing to address the root causes of coyote conflicts. So, not surprisingly, within just a few months of the killings, calls from residents concerned about coyote sightings were on the increase again.

By the end of 2010, Wheaton decided to follow in the footsteps of cities with successful programs and began to develop a comprehensive coyote management program. Plans for their new program focus on teaching residents about coyotes, finding and removing coyote attractants, and hazing troublesome coyotes so they re-learn to be wary of people and property—very much like a successful program in Denver. So, a brighter future may be coming for people and wildlife in Wheaton.



TRUE STORIES

Coyotes in Denver, Colorado

In early 2009, Denver residents had some fairly serious concerns about coyotes. People reported seeing coyotes more frequently than before, pet dogs and cats were attacked, and a woman was bitten by a coyote while walking her dog. The situation was most intense in Bible Park, where members of one coyote family attacked dogs and “stalked” joggers on the trail.

Denver officials could have started down the commonly traveled, unending road of trapping and killing coyotes. Instead, they blazed a better path with a comprehensive non-lethal program that did two things:

- Tackled the root causes of human-coyote conflicts.
- Re-educated the minority of coyotes who were too comfortable around people (habituated coyotes).

The city set up a coyote hotline to listen to concerns and went out to neighborhoods to teach residents about coyotes and how not to attract them. Residents in coyote hotspots got more in-depth education on how to co-exist in coyote country: how to remove coyote attractants, how to protect their pets, and how to haze habituated coyotes and re-instill a healthy wariness of people and their property. Park staff were also taught hazing techniques.

By including residents in coyote management, Denver managers gained the assistance and support of the community. Residents who took the city’s coyote hazing training reported in a recent survey that they:

- Had more positive opinions of coyotes.
- Changed their behavior to prevent coyote conflicts.
- Felt confident that they could haze a coyote if they encounter one.

Denver has greatly reduced human-coyote conflicts. Hazing by park staff changed the behavior of bold and habituated coyotes, including the family in Bible Park who no longer attack dogs or worry joggers. No one in Denver has been bitten by a coyote since the coyote program was started. Ashley DeLaup, wildlife ecologist for the city and county of Denver parks and recreation reports, “Living with urban coyotes is a new reality in urban areas throughout the country and if we approach the concerns in a proactive manner and involve the residents in understanding and defining this new relationship, we’ll be able to reduce human/coyote/pet conflicts down the road.”

Denver’s coyote management program is now a model for surrounding communities. Aurora, Centennial, and Broomfield all adopted similar programs and report similar success reducing coyote conflicts.



COMMON LESSONS

Denver and Wheaton faced similar dilemmas. One community moved quickly to a win-win solution. The other is getting there but only after painful controversy. The difference was that Denver started right out looking for options that would not only be effective in the long term, but acceptable to their residents and feasible to implement. Wheaton leaders erred by buying a common “silver bullet” solution that proved to be anything but.

Communities can avoid the “looking-for-a-silver-bullet” mistake by starting with the best wildlife management principles before acting. Actions to resolve wildlife conflicts, with coyotes or with any wild animal, should be:

1. **Justified**—need to act is clear. Action is only taken when (and if) a significant problem really exists, not just to soothe alarmed constituents. Coyotes going about their business in natural areas, not bothering anyone, aren’t a significant problem. Coyotes spending time in backyards and approaching people and pets could be symptoms of a problem.
2. **Achievable**—benefits are realistic. Action is realistically expected to resolve the problem long term. Expecting that people will never see another goose dropping in a grassy park, for example, is not realistic.
3. **Effective**—methods achieve benefits. Action actually resolves the problem. It’s easy to fall into the trap of thinking that if something didn’t work as hoped, we must not have tried hard enough or that the fault lies elsewhere. When people kill beavers and still have beaver problems, they may think they just need to kill more beavers. And the cycle of killing continues without re-examination.
4. **Specific**—approach is targeted. Action addresses the identified problem specifically. If the problem is one coyote approaching people and pets, killing random coyotes who happen to get in a trap does not address the conflict. Instead, communities can educate (aversively condition) the bold coyotes. Conditioned coyotes will teach their young to avoid people, too. If the problem is that off-leash dogs are getting into fights with coyote parents during pup season, keep the dogs leashed.
5. **Humane**—methods are morally grounded. Action is humane to avoid unnecessary suffering. Treating animals humanely will prevent conflict between (human) residents over animal welfare. It is not humane to kill wild animals merely because they are perceived to be a nuisance.
6. **Evaluated**—consequences are examined. Action is followed by examining how well it did or didn’t work. The criteria for success are defined before action. If action is taken because of deer-vehicle collisions on busy roads, evaluate how often deer and vehicles collide on those roads—not how often deer are sighted in yards or how many deer live in the community. To evaluate whether your “after” picture is an improvement, you need a “before” picture of the same thing.
7. **Followed-up**—benefits are maintained. Action is on-going, although less frequent and/or intense. Part of the no-silver-bullet reality is that dealing with wildlife is rarely a once-and-done project. Young coyotes looking for homes of their own may wander into a community and need education. Old resident coyotes may need a refresher course.

FINAL THOUGHTS

Local leaders face difficult choices when confronted by conflicts over wildlife. It may be a cliché, but when these conflicts arise, they are both problems and opportunities.

Some of the stories in this guide illustrate how local communities can stumble into common pitfalls when faced with decisions about wildlife issues. In contrast, the stories of successful resolutions show how communities used processes described in this guide. Those communities:

- Used transparent decision-making process.
- Included broad range of stakeholders' views.
- Used stakeholder input to shape decision.
- Did not allow outcome to be pre-selected by insiders.
- Understood that there's no silver-bullet solution.
- Pursued long-term solution even when that meant discarding familiar approaches.

This guide focuses on four species that are common flashpoints for community conflicts, but the lessons gleaned apply to any species in any community. Whatever animal issue your community confronts—from armadillos in Texas gardens to yellow-bellied marmots in California parks—embracing the opportunities wild animals offer your community can make it a great place for both people and wildlife.



ONLINE RESOURCES

Canada geese

- Geese : The Humane Society of the United States
- Details on how to implement humane Canada goose management are available in The HSUS' guide, *Canada Geese: Living with our Wild Neighbors in Urban and Suburban Communities*.
- Visit the GeesePeace website at geesepeace.com

Deer

- Deer : The Humane Society of the United States
- There are many online resources for keeping up with deer issues and news, including deerfriendly.com

Beaver

- Beavers : The Humane Society of the United States
- This booklet, written by Sherry Tippie, director of Wildlife 2000, and produced with the Grand Canyon Trust, offers practical how-to advice: *Working with Beaver*
- For more information about the beavers in Martinez, Calif., visit martinezbeavers.org.
- To reach the expert who installed their devices, visit Beaver Deceivers
- Purchase an instructional DVD on installing beaver devices at Beaver Solutions—Self Help DVD

Coyotes

- Coyotes : The Humane Society of the United States
- Project Coyote advocates for better treatment of coyotes.
- Information on the most complete and up-to-date research on urban coyotes being done by the Cook County, Illinois, Coyote Project: Urban Coyote Ecology and Management
- Denver, Colorado, web pages for residents:
 - Coyotes in the City: A guide to living with urban coyotes;
 - How to Haze: effective reshaping of coyote behavior

Urban Wildlife Resources

- *Wild Neighbors: the humane approach to living with wildlife* by John Hadidian, Margaret Baird, Maggie Brasted, Lauren Nolfo-Clements, Dave Pauli, and Laura Simon, published 2007 by Humane Society Press. Copies may be ordered here: *Wild Neighbors* : The Humane Society of the United States
- The Wild Neighbors program of The Humane Society of the United States
- An electronic version of this PDF with live links can be downloaded at humanesociety.org/animals/wild_neighbors.

Local Government Resources

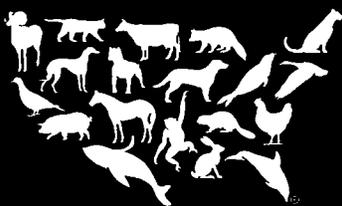
- Institute for Local Government

About The HSUS

The HSUS is the nation's largest and most powerful animal protection organization—backed by 11 million Americans, or one in every 28.

Established in 1954, The HSUS seeks a humane and sustainable world for all animals, including people. We are America's mainstream force against cruelty, exploitation, and neglect, and also the nation's most trusted voice extolling the human-animal bond.

Celebrating Animals | Confronting Cruelty



THE HUMANE SOCIETY
OF THE UNITED STATES

2100 L Street, NW Washington, DC 20037
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COVER: JOHN HARRISON. PAGE 1: JIM PFIEL/THE HSUS. PAGE 3: KATHY MILANI/THE HSUS. PAGE 4: STEPHEN STRATHDEE/ISTOCKPHOTO; JOHN AND KAREN HOLLINGSWORTH/USFWS. PAGE 5: MONIQUE RODRIGUEZ/ISTOCKPHOTO; CHARLES MOSTOLLER. PAGE 9: RAYMOND TRUELOVE/ISTOCKPHOTO. PAGE 10: JAMES PHELPS/ISTOCKPHOTO; CALIFORNIA DEPT. OF FISH AND GAME. PAGE 11: GALANTER/ISTOCKPHOTO; PAMELA MOORE/ISTOCKPHOTO. PAGE 17: CHAD SISNEROS/THE HSUS. PAGE 18: YVA MOMATIUK & JOHN EASTCOTT. PAGE 19: DAVID PARSONS/ISTOCKPHOTO; JIM PFIEL. PAGE 20: VLADIMIR KONJUSHENKO/ISTOCKPHOTO. PAGE 24: JOHN GRIFFIN/THE HSUS. PAGE 25: CAROL URBAN. PAGE 26: CAROL URBAN; GYI NSEA/ISTOCKPHOTO. PAGE 27: ABEL MITJA VARELA/ISTOCKPHOTO. PAGE 32: MIKE MCFARLAND/THE HSUS.



THE HUMANE SOCIETY
OF THE UNITED STATES

SOLUTIONS FOR COYOTE CONFLICTS

Why Killing does Not Solve Conflicts with Coyotes

As coyotes have expanded their range across North America, encounters with people have increased. These sometimes trigger alarm in people who fear for the safety of their pets and children. To allay this, communities may feel they need to pay for wide scale programs to remove coyotes from the population. These killing programs don't work and are inhumane. Better solutions exist.

Why Don't Coyote Killing Programs Work?

They are ineffective

- It is extremely difficult to ensure that the problem-causing coyote(s) will be the one(s) located and killed.
- Coyotes removed from an area will quickly be replaced by others. Coyotes pairs hold territories, which leaves single coyotes ("floaters") constantly looking for new places to call homeⁱ.
- If attractants in a neighborhood are not removed (e.g. pet food, garbage, etc) new coyotes in an area can quickly become "nuisance" coyotes.



William Weaver Photography

They won't reduce coyote populations

- Research suggests that when aggressively controlled, coyotes can increase their reproductive rate by breeding at an earlier age, having larger litters, and a higher survival rate among youngⁱⁱ. This allows coyote populations to quickly bounce back, even when as much as 70% of their numbers are removed.ⁱⁱⁱ
- It is nearly impossible to completely eradicate coyotes from an area. Despite bounties and large-scale efforts to kill coyotes over the last 100 years, coyotes have in fact expanded their range throughout the U.S. and Canada tremendously. One study even found that killing 75% of a coyote population every year for 50 years would still not exterminate the population.^{iv}

Removal is costly

- Coyotes are very intelligent animals and are difficult to catch. Even a very skilled trapper or sharpshooter, at a hefty price tag, will need many hours to catch a targeted coyote.

Trapping is inhumane

- The most common devices used to capture coyotes are leghold traps and neck snares. Both can cause severe injuries, pain, and suffering^v.
- Pets become unintended victims of traps set for coyotes. An informal search of media reports suggests thousands of unintended incidents have occurred, causing heartbreak for the families affected.
- Non-target wildlife is also caught – and many sustain injuries so severe that they die or must be killed.

What Can Stop Pet Attacks? First, some claim that diseased coyotes are to blame for pet attack incidents, and that removing such animals from the population is the answer. This is not the case.

Most pet attacks are caused by healthy, habituated coyotes

- Except when rabid, diseased coyotes do not exhibit aggressive behavior more often than healthy coyotes.
- There is no evidence that coyotes with mange are more likely to attack people or pets. Mange-afflicted coyotes can simply appear threatening because they are weak, strange-looking (due to hair loss) and may be found resting in suburban areas during the daytime^{vi}.
- Attacks on dogs during the months of April-December are probably caused by coyotes that have lost their fear of people (become habituated). This occurs when coyotes are being fed in residential areas (either intentionally or unintentionally through pet food that's left outside, garbage, etc.) and are not harassed by people.
- A 10 year study of over 300 coyotes in the greater Chicago metropolitan area revealed only 2 coyotes that had attacked pets. Necropsies done on these coyotes showed that they had been eating pet food, but were otherwise healthy^{vii}.



Territorial attacks

- Coyotes breed between January and March. During this time, it is natural for them to protect their territories from other canids (including domestic dogs). Coyotes may attack dogs in yards or being taken for walks because they view them as a threat.

How to protect dogs:

- It is normal for coyotes to be afraid of people. The best protection for your dogs is to always accompany them outdoors and to use a leash when walking them in a park.
- If your dog is left unsupervised in your yard, installing a coyote-proof fence is another solution. A coyote-proof fence is at least 6 feet tall and extends at least 12 inches underground or includes a rolled-out apron of mesh (measuring at least 12 inches horizontally and secured with landscaping staples). It can also be equipped with a protective device like a Coyote Roller (www.coyoteroller.com). Coyote rollers are meant to literally "roll off" any coyotes who attempt to scramble over the fence, and will be equally effective in keeping dogs from jumping out of fenced yards.
- Since most dog attacks occurring during April – December are probably caused by habituated coyotes, it is critical to remove or secure attractants (such as pet food and garbage) from residential areas.

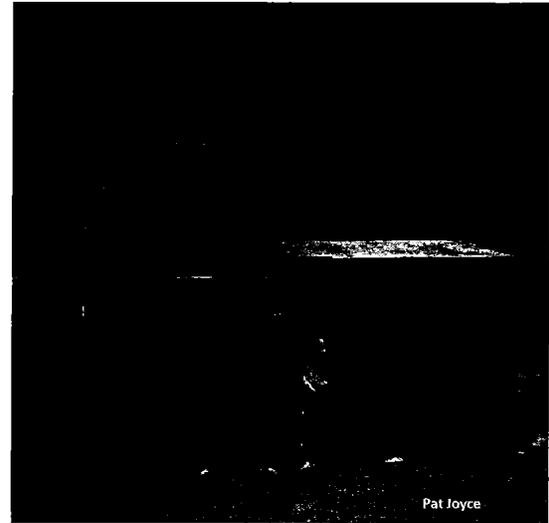
How to protect cats & other small pets (such as rabbits):

- It is natural for coyotes to hunt small mammals – usually "easy" prey such as rabbits and small rodents. However, if outside, our pets may also be at risk. Keeping your cat indoors is the best way to protect her from harm – not only coyotes, but also cars, diseases, dogs, and even mean-spirited people.
- Pet food serves as an attractant for coyotes in residential areas. If you must feed pets outdoors do so only by day and remove uneaten food immediately.
- Elevated feeding places and escape opportunities (trees and/or a tall climbing pole) can help protect cats.

What Does Work? A program combining **Education** and **Hazing** offers the best method for handling and preventing conflicts with coyotes, and is working already in a number of communities^{viii}.

Education:

- **Food Attractants:**
 - Residents must be educated about feeding coyotes and how this is simply wrong, no matter how well-intentioned the feeder may be.
 - Indirect sources of food -- pet food, composted meat scraps and trash must be removed or properly secured.
- **Pets:**
 - Residents should be made aware of the importance of keeping cats indoors and not leaving dogs outside unattended.
 - Leash laws must be enforced in open spaces and natural areas.
- **Educational campaigns:**
 - Children must be instructed in how to recognize a coyote and what to do if they encounter one. Children should never run from a coyote; instead, they should stand up straight, wave their arms up in the air, and be as loud as possible while moving slowly toward the nearest adults.
 - Unfounded fears about coyotes need to be dispelled, and good information provided on coyote behavior.



Hazing:

- **What is hazing?**
 - When coyotes do not run away when approached or charged by a human, they have probably become habituated, or lost their fear of humans. They may even approach people, looking for food handouts.
 - **Hazing** is an activity or series of activities conducted to reestablish the natural fear of humans back into coyotes. It includes simple actions such as yelling and arm waving, water hose dousing, using noise makers like blow horns and whistles, and throwing objects such as sticks or toy balls.
 - Communities including Denver, Colorado; Vancouver, British Columbia; and Los Angeles, California have successfully used hazing to reverse undesirable behavior in their coyote populations.
- **Hazing techniques**
 - For many coyotes, making yourself *loud* (by yelling or using homemade noisemakers and *large* (by standing tall and waving your arms) is all that is needed to scare them away. (Follow this [link](#) for a demonstration)
 - More aggressive methods (including banging pots and pans, throwing objects, squirting a hose, or using noisemakers like air horns) may be necessary for some coyotes. Groups of volunteers can even be recruited and taught to haze in problem areas.
 - It is important to continue hazing until the coyote completely leaves the area. Employing a variety of hazing techniques is also helpful to prevent habituation.

The bottom line is that killing is not a solution for managing conflicts between people and coyotes. A combination of education and hazing can be more effective. By "educating" your resident coyotes you will be leaving territory holders in place who know and abide by the "rules" of living close to people. Coyotes are here to stay – it's up to us to find ways of coexisting with them.

For more information and tips, see our website: www.humanesociety.org/animals/coyotes

ⁱ Gehrt, S. D. 2004b. Chicago coyotes part II. *Wildl. Control. Technol.* 11(4):20-21, 38-9, 42.

ⁱⁱ Knowlton, F.F. 1972. Preliminary interpretations of coyote population mechanics with some management implications. *J. Wildl. Manage.* 36:369-382.

ⁱⁱⁱ Connolly, G.E. 1978. Predator control and coyote populations: a review of simulation models. Pages 327-345 in M. Bekoff, ed. *Coyotes: biology, behavior, and management.* Academic Press, New York, N.Y.

^{iv} Connolly, and W.M. Longhurst. 1975. The effects of control on coyote populations: a simulation model. *Univ. California, Div. Agric. Sci., Bull.*1872. 37pp.

^v Fox, C.H. and C.M. Papouchis (eds.). 2004. *Cull of the Wild: A Contemporary Analysis of Wildlife Trapping in the United States.* Animal Protection Institute, Sacramento, California.

^{vi} Gehrt, S.D. et al. 2009. Home range and landscape use of coyotes in a metropolitan landscape: conflict or coexistence? *Journal of Mammalogy* 90(5):1045-1057.

^{vii} Gehrt, S.D. 2004. Urban coyote ecology and management: The Cook County, Illinois, coyote project. *Ohio State University Extension Bulletin*, 929.

^{viii} Coyote Management Plan. Denver Parks & Recreation Natural Areas Program, Natural Resources Division. October 2009.

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 9:33 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12871 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Question

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Sherry Mitchell Marcotte

Description: i grew up in Huntington beach and my mother lived there for years. I was a Audoban member then and loved the diverse wildlife, i was neighbor to the original Mr Talbert and was acquainted with Old Mr. Slater and they loved the wildlife as much as anyone could. Huntington Beach was meant to have a mix of natural landscape along with the human population. And that includes letting the wildlife to live peacefully in the environment.

If you allow the Animal Control Dept destroy this amazing Coastal wild coyote, perhaps a different animal, then what is usually found in the Mountains and rural areas of California, you will be wiping out something truly unique and setting a precedent for other cities nationwide. wouldn't it be sad if coyotes would be extinct like the wolf in southern US.

We think you should not kill the coyotes or trap them all, with your marsh area you have a huge influx of rodents and other wildlife, it is natural to be there, they have been before people came in. the few who have lost small pets should not have all the say on this matter. if you get rid of the coyote population you will cause an imbalance in nature, most likley soon everybody will be complaining about "to many Rats" and all the health hazards. Keep the coyotes, catch the few problem individuals that attack the Pets, by trapping in gated communities. that is how you handle it. penalizing all the coyotes because of a few problem individuals is wrong and unfair.

Personally i would miss this animal in the parks, the Bolsa Chica Marsh, and other wildlife areas in Huntington Beach. if you lose the coyotes i will not go bird watching or doing bird counts in those Areas, i think you will lose an influx of other nature watchers who travel there to enjoy the unique marsh wildlife located in your lovely city.

Expected Close Date: 11/20/2012

[Click here to access the request](#)

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 28

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 9:55 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12873 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Question

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Merle Moshiri

Description: Members of the Council,

Ask Councilman Bohr how far you get taking on animals in any shape, form, or fashion. We had some good laughs on the neutering issues but it got rather scary too.

You don't fool with Mother Nature.....without repercussions. The coyotes on the ASCON property control a variety of rodents and vermin. These creatures carry everything from Hanta Virus to the plague. Without the coyotes, these rodents, regardless of how cute they look, would be in the adjoining home's backyards and kitchen cabinets. Yes, pets are taken but to my mind, that isn't the fault of the predator. Folks sign on to a responsibility when they acquire a pet. One of them is to keep the pet safe, and that most likely means to keep them indoors at night. There will always be the story of the poodle snatched off the leash (or not) in front of the owner's own terrified eyes but not often.

We have so much more on our plates than coyote killing and who wants to be known for that dubious "honor" in the first place?

Lets get on with the daunting tasks before us and the majority of the community, I would say, doesn't regard the coyote as being the issue.

Merle Moshiri

And....yes.....I have lost a pet to a coyote. And I suspect an off kilter neighbor of doing in another. I would take my chances with the coyote. The neighbor still walks amongst us.

Expected Close Date: 11/20/2012

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**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

Agenda Item No. 28

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 10:12 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12874 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment
Request area: City Council - Agenda & Public Hearing Comments
Citizen name: Randi Feilich
Description: My name is Randi Feilich and I am the Southern California Representative of Project Coyote.

I am a volunteer for Project Coyote and we are a non-profit charitable organization comprised of scientists and educators who are working to promote active coexistence between people and coyotes and understanding of America's native "song dog." Recently, Project Coyote has learned about the city of Huntington Beach's possible intentions to hire a trapper to cruelly snare and kill coyotes. We strongly urge the city against this. While trapping may temporarily appease a vocal minority- in our experience, when other residents learn that limited tax dollars will be spent on trapping/killing there is overwhelming opposition to killing. Project Coyote promotes long-term solutions that emphasize proactive public education, reduction in intentional/unintentional wildlife feeding, and aversive conditioning of habituated coyotes. Trapping is not a long-term solution, but rather very cruel and inhumane. The neck snare - which is the trap commonly used by trapper's cause s a slow and painful death by strangulation. These traps are also indiscriminate in that they will catch anything in its path such as cats, dogs and other animals that are attracted by the bait.

Studies show that trapping can actually lead to an increase in coyote populations, as other coyotes move from surrounding areas to fill the vacant territorial niches. We cannot blame coyotes for hunting an animal that was an easy target. They are hungry and have to work hard and long to feed themselves and their pups. We mistakenly expect the wildlife to know that our pets are off limits. With public education and outreach, residents can learn how to protect their pets from coyotes and co-exist like other cities are now practicing in Los Angeles County.

We offer to work with the city to help attain this goal- and we have provided comprehensive tools and resources to further this effort. We also have scientific research showing that coyote trapping is ultimately ineffective and ethically indefensible.

We recommend that the City adopt a coyote management plan that emphasizes public education, reduction of wildlife attractants and hazing of habituated coyotes. I am happy to send you a copy of the Coyote Management Plan in the city of Calabasas, as well as articles and tips on co-existing with coyotes.

On behalf of our Project Coyote, we strongly urge you not to expend limited taxpayer dollars on coyote trapping and killing – but to instead work with organizations like ours

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-12

Agenda Item No. 28

that have offered to help the City in creating and implementing a progressive, humane management plan that emphasizes consistent and persistent public outreach, reduction of wildlife attractants and hazing of habituated coyotes.

Coexistence is not a passive endeavor. It takes a commitment by the entire community – and a willingness to adopt a long-term approach to coexistence. Because like them or not, coyotes are here to stay.

The City of Huntington Beach has a real opportunity to create a model plan here- one that emphasizes environmental stewardship and a humane approach to living with our wildlife neighbors. We hope you choose this path.

Passing the wildlife feeding ordinance is the first step. Saying NO to trapping and building a coyote coexistence plan is the second step.

Thank you for the opportunity to present this to you.

Expected Close Date: 11/20/2012

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Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Friday, November 16, 2012 3:58 PM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12859 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Carolyn Matthews

Description: Agenda items 27,28 and council meeting Nov 19th, Monday, to be dedicated to the coyote topic as promised by council members in October.

We will be attending this meeting and providing you with the petition and more information.

We would appreciate if you would not leave this topic to the very end of the meeting because of my disabilities and cannot sit or stand for a very long time.

**** DO NOT PUBLISH my phone number. Thank you

Expected Close Date: 11/19/2012

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 28

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 10:27 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12875 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Ronald M. LANDAU

Description: 19 Nov 2012 Agenda: Please approve items 27 and 28 re feeding and trapping of coyotes. I live in the Fountain Glen senior community and have been challenged by coyotes as I walked my dog. These critters are a menace and must be removed from HB. Government exists to protect its citizens. APPROVE ITEMS 27 & 28 TONIGHT!!!

Expected Close Date: 11/20/2012

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 11-19-2012

Agenda Item No. 28

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, November 19, 2012 11:16 AM
To: CITY COUNCIL; agendaalerts@surfcity-hb.org
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 12877 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment
Request area: City Council - Agenda & Public Hearing Comments
Citizen name: Diane Amendola
Description: For Official Record

Dear City Council members:

Below is an excerpt from our HB Ordinance. As tragic as having a pet killed by any cause we do have a no roaming law that applies to cats as well as dogs (running at large) that some owners refuse to recognize. If a pet is killed by a coyote because it is running at large why should the city be held responsible for owner irresponsibility?

I've lived here since the 70s and have always seen coyotes in this city. With more and more habitat destroyed it is no wonder we see them more frequently. In my opinion you need to consider what will fill the hole they leave if removed from our environment. Will the raccoons, opossums and rats cause as much or greater damage with the coyotes gone?

Cities that have had coyotes removed have had to deal with other creatures taking their place, thus we need to aware of what will happen if this is pursued.

Additionally, I was giving a talk at Central Park to a small number of people when an attendee at the back of the group had her small dog on a flexi lead and was not watching the dog, another dog came by and bit her dog. This could very easily have been a coyote and it would have done more than bite the dog. Unfortunately those leads do not come with instructions, it is thought that whoever buys one would use some discretion when letting a dog run out at a distance from the owner. There is a locking mechanism on those leashes and used properly they are great. At no time should anyone with a small child or a small pet allow them out of their sight when there are other animals domestic or otherwise around. A short lead with the animal next to the owner when it cannot be watched is the safest place for an animal or a child (or course the child might not be wearing a harness and leash;-))

Residents need to take personal responsibility for themselves and their families including their pets. Consider consulting with our Animal Control before considering an action.

7.12.020 Running at large prohibited.

(a) No person owning or having control of any ox, steer, bull, cow, horse, colt, calf, sheep, goat, cat or any animal of a species commonly referred to as wild shall:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 11-19-2012

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(1) Permit such animal to run at large in the City;

Expected Close Date: 11/20/2012

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2012-11-20 10:10:10 AM
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