

changed to RL-7-sp (Residential Low Density with a Specific Plan Overlay).

6. ZONING: Proposed Specific Plan No. 16 (Brightwater Specific Plan) and RL (Residential Low Density) for the portion of the site that will become part of the Sandover project.

7. PROJECT DESCRIPTION:

The proposed project involves three components: 1) annexation application to Orange County Local Area Formation Commission (LAFCO) to annex the Brightwater Development Project into the City of Huntington Beach; 2) prezoning for portions of the Brightwater Development Project presently located within Orange County; and 3) rezoning of the portions of the subject property currently located within the City of Huntington Beach from RL (Residential Low Density) to Specific Plan.

Future references in this document to “the project” refer to all three proposed actions: annexation, prezoning, and rezoning. The project site includes approximately 105.3 acres located within Orange County and approximately 0.6 acres located within the City of Huntington Beach.

Unincorporated area:	105.3 acres
<u>Incorporated area:</u>	<u>0.6 acres</u>
Total:	105.9 acres

Prezoning involves the unincorporated area of the site and includes the following:

Prezone to Specific Plan:	105.235 acres
<u>Prezone to RL:</u>	<u>0.065 acres</u>
Total unincorporated area to be prezoned:	105.30 acres

The incorporated areas of the site area are proposed to be treated as follows:

Rezone to Specific Plan:	0.365 acres
<u>Remains RL zone:</u>	<u>0.230 acres</u>
Total incorporated area:	0.595 acres

Annexation

The City is proposing to annex 105.3 acres located in the jurisdiction of the County of Orange in multiple phases as homes are constructed and consistent with a Pre-Annexation Agreement between the City and the applicant, Hearthside Homes, Inc. The annexation process must be initiated by resolution by the City of Huntington Beach before submittal of the application to LAFCO.

Prezoning

The second component of the proposed project involves prezoning for the Brightwater Development Project (BDP) located within the County of Orange in accordance with LAFCO procedures. The large majority of the site (105.3 acres) is not currently under the jurisdiction of the City of Huntington Beach and does not have a City zoning designation. LAFCO requires that the City establish the site zoning before annexation is approved by LAFCO. Prezoning of the subject site includes a Zoning Text Amendment application for the creation of the Brightwater Specific Plan that will provide development standards for the Specific Plan area and a Zoning Map Amendment to amend the City

Zoning Map to establish the Specific Plan zoning on approximately 105.6 acres of the site and establish the RL on approximately 0.065 acres of the site. The 0.065-acre portion of the site within unincorporated Orange County is located between the BDP and the adjacent Sandover project within the City of Huntington Beach. The applicant proposes to prezone this area with RL zoning in order to incorporate it into the Sandover project. Refer to Figure A for the locations of the areas to be prezoned.

The total acreage of the Specific Plan area was calculated as follows (refer to Fig. A for lot locations):

Unincorporated site area:	105.3 acres
Lot B (future Sandover area):	(0.054)
Lot G (future Sandover area):	(0.011)
Lot A:	0.0005
Lot C:	0.078
Lot D:	0.166
Lot E:	0.088
Lot F:	0.032
<hr/> Total:	105.5995

The Brightwater Specific Plan is intended to reflect the BDP as approved by Orange County and the California Coastal Commission. Previous entitlements include the Brightwater Amended Master Site Plan/Area Plan and project site plans approved by Orange County on October 5, 2005 and Coastal Development Permit (CDP) No. 5-05-020 issued by the California Coastal Commission on December 15, 2005. The BDP is located on the upper bench of the Bolsa Chica Mesa and consists of 349 single-family homes on 67.9 acres, 0.3 acres for a pump station, and 37.1 acres of habitat preservation and creation. At approximately 105.6 acres, the Brightwater Specific Plan area includes slightly more acreage than in the BDP as it incorporates an undeveloped portion of the Sandover project that is adjacent to the BDP, but located within the City of Huntington Beach. The Specific Plan will not result in an increase in the density or intensity of land use, beyond what was analyzed in Subsequent EIR No. 551, within the project area over that approved by the County of Orange and California Coastal Commission (CCC). Once ZMA No. 06-01 and ZTA No. 06-01 are approved and annexation has taken place, the City will proceed to amend the General Plan and Huntington Beach Local Coastal Program through the Coastal Commission.

Additional Homes within Brightwater Specific Plan

While the Specific Plan incorporates all of the conditions and mitigations measures imposed by the County of Orange and the California Coastal Commission (CCC), it would also allow the development of six additional residential units within the Specific Plan area. The units would be located on lots 1-6 as shown on Figure A. The original Vesting Tentative Tract Map No. 15460 approved by the County and the CCC designated lots 2-6 as lettered lots for future development. Lot 1 was a numbered lot for utility purposes. Lots 1-6 are proposed to be developed after project implementation and, as such, will require permits processed through the City of Huntington Beach.

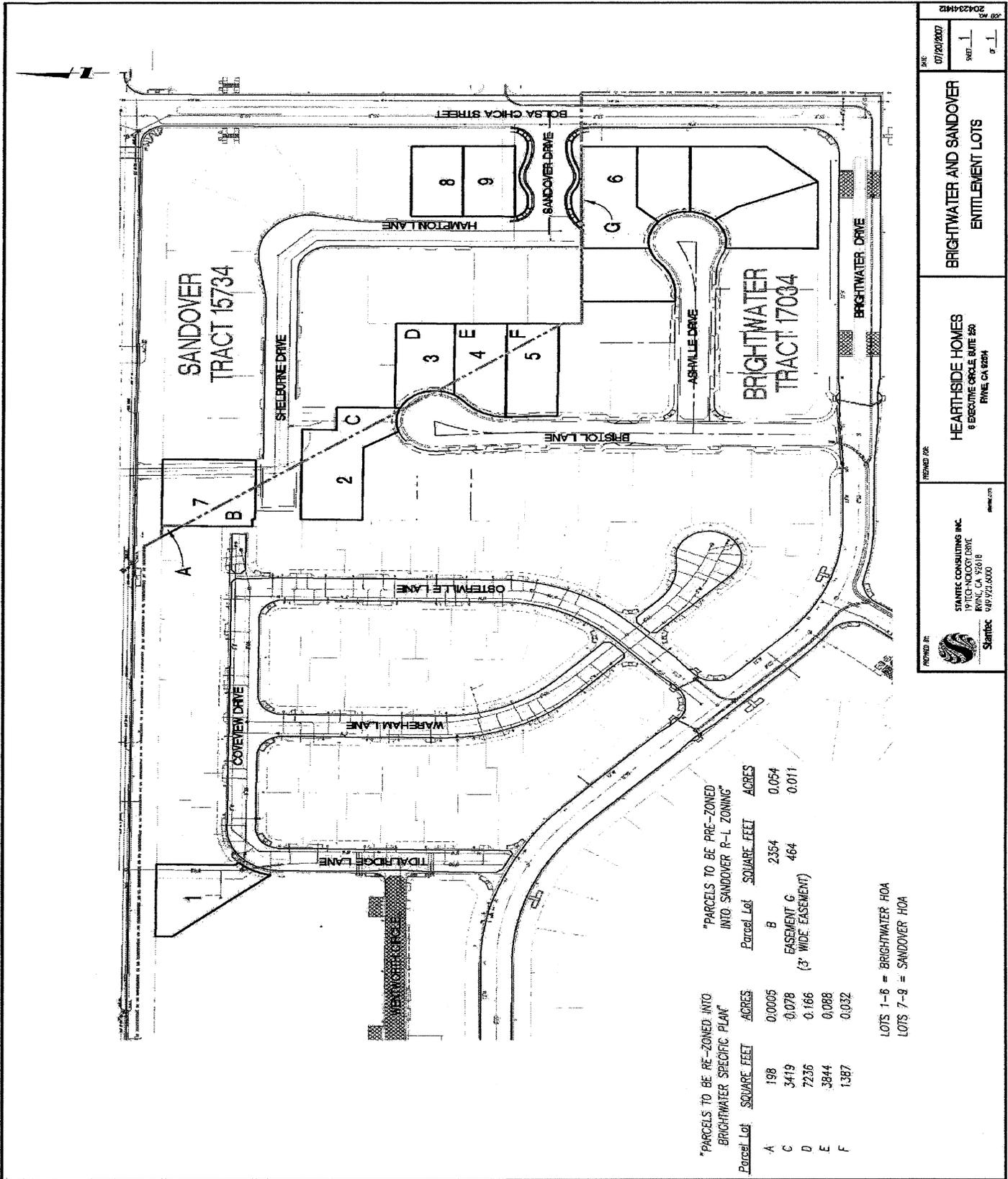
Rezoning

The rezoning includes changing the current zoning for the portion of the project site within the City of Huntington Beach from RL (Residential Low Density) to SP 16. For the total acreages to be rezoned refer to Figure A.

Relationship to the Sandover Project

The proposed Brightwater Specific Plan area is slightly larger than the BDP site approved under Orange County since it incorporates an undeveloped portion of the previously approved Sandover project (Lots C, D, E, and F on Figure A). Conversely, an undeveloped area of the BDP (Lot B shown on Figure A) is proposed to become part of the Sandover project and will be developed after project implementation. Permits for these additional homes will need to be processed through the City of Huntington Beach. The applicant ultimately intends to obtain approvals for two additional units in the Sandover project area that are entirely within the City of Huntington Beach and that are not a part of the rezoning, rezoning or annexation requests. These units were previously analyzed in Subsequent EIR No. 551.

Figure A



8. EXISTING PROJECT APPROVALS:

California Coastal Commission

CDP No. 5-05-020 (Coastal Development Permit) approved by the California Coastal Commission on April 14, 2005 and issued on December 15, 2005. CDP No. 5-05-020 was approved for 349 single-family residential lots on 67.9 acres and 37.1 acres of habitat restoration and public trail.

County of Orange:

Bolsa Chica Planned Community Program approved by Orange County on February 3, 1998 established the zoning for the site.

Brightwater Amended Master Site/Area Plan and Project Site Plans (PA No. 05-0053) were approved on October 5, 2005 reflecting Coastal Commission requested revisions under CDP No. 5-05-020.

Revised Vesting Tentative Tract Map No. 15460 was approved on October 18, 2005, also reflecting the Coastal Commissions Special Conditions on CDP 5-05-020. The second revision to VTTM No. 15460 was approved on June 14, 2006. The third revision to VTTM No. 15460 was approved on June 12, 2007.

Final Tract Maps for VTTM No. 15460 revised;
Final Tract Map No. 15460;
Final Tract Map No. 17032;
Final Tract Map No. 17033;
Final Tract Map No. 17034; and
Final Tract Map No. 17076.

Orange County LAFCO:

An out-of-area service agreement (OASA) was approved by LAFCO for the provision of water and sewer services by the City of Huntington Beach to the project site before annexation to the City. City of Huntington Beach water service was provided to the site for facilitation of the BDP grading and construction. City of Huntington Beach sewer service is provided to the BDP as construction proceeds.

City of Huntington Beach

On April 13, 1999, the City of Huntington Beach approved Tentative Tract Map No. 15734, Conditional Use Permit No. 98-49, Coastal Development Permit No. 98-17, and Mitigated Negative Declaration No. 98-11 for the 16-unit Sandover project. In addition to the residential lots, Tentative Tract Map No. 15734 included undeveloped lettered lots adjacent to the Orange County boundary. One of the lettered lots (Lot C; shown on Figure A as Lots C, D, E and F) will be incorporated into the Brightwater Specific Plan and designated for development of an additional four homes that will not take place until after annexation is approved by LAFCO. It should be noted that Subsequent EIR No. 551 included in the analysis development of these lots as well as other undeveloped residential areas that are located within the Sandover tract.

9. SURROUNDING LAND USES AND SETTING:

The state-owned 118-acre Lower Bench of Bolsa Chica Mesa is located southwesterly of the subject property and state-owned lands containing eucalyptus trees and a lowland area between the Mesa and the flood control channel is adjacent to the southeast. These areas are state-owned properties established as permanent open space areas. To the south and east is the East Garden Grove-Wintersburg Flood Control Channel. The existing 16-unit single-family residential project, known as Sandover, is located at the southwest corner of the intersection of Los Patos Avenue and Bolsa Chica Street. Undeveloped properties owned by Donald Goodell and Shea Homes are adjacent to the project on the east. To the north of the subject property, there is an existing single-family and mixed-density residential area on Los Patos Avenue and Warner Avenue.

10. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

Subsequent Environmental Impact Report (EIR) No. 551 was certified by Orange County on July 22, 2002 as consistent with the Special Conditions imposed by the California Coastal Commission on CDP No. 5-05-020. The Subsequent Environmental Impact Report was prepared to evaluate the Brightwater project Master Site/Area Plan and Project Site Plans and Vesting Tentative Tract Map 15460. In addition to the Orange County approved project, the Subsequent EIR No. 551 analysis also included nine residential lots located in an undeveloped portion of the previously approved Sandover project. On October 5, 2005, the County of Orange approved an Addendum to Subsequent EIR No. 551 that was prepared to cover the Amended Master Site/Area Plan and Project Site Plans that reflected the project as conditioned by the Coastal Commission CDP No. 5-05-020.

Subsequent EIR No. 551 contains mitigation measures, standard conditions of approval and project design features directed at reducing project impacts to less than significant. The project design features have been incorporated into the project and the majority of mitigation and standard conditions of approval features will be monitored by the County of Orange and completed before implementation of the proposed project. The following provides a brief summary of the potential significant impacts and related mitigation measures and standard conditions of approval imposed on BDP that will continue to be implemented after approval of the proposed project. The parties responsible for monitoring of the remaining mitigation measures and standard conditions of approval are identified below where applicable.

Hydrology and Water Quality:

Subsequent EIR No. 551 and the October, 5, 2005 Addendum contain mitigation measures and monitoring actions that required the project to conform to the Orange County Municipal Stormwater Permit (Order No. 96-31, NPDES No. CAS618030) and the Orange County Drainage Area Management Plan requirements for Best Management Practices (BMPs) for runoff control and water quality standards. The Brightwater Maintenance Corporation is responsible for the continued maintenance and implementation of the project BMPs after completion of the BDP.

Traffic and Circulation

Subsequent EIR No. 551 included project design features (PDFs) that were required to be incorporated into the project to prevent traffic-related project impacts. PDFs consisted of improvements to be fully constructed with the project and participation in fair-share components to improve traffic at certain locations. Per the subject EIR, these improvements referred to as the Area Traffic Improvement Program (ATIP) were to be implemented in phases with issuance of building permits for the BDP homes, which are being issued by the County of Orange, prior to annexation.

Biological Resources

The mitigation and monitoring program imposed by Subsequent EIR No. 551 contains specific measures to address short and long-term impacts to biological resources. A comprehensive habitat management plan (CHMP) was prepared for the BDP to comply with Special Condition No. 10 imposed by the California Coastal Commission on CDP 5-05-020. Among other conditions, CDP No. 5-05-020 contains conditions relating to the continued maintenance and management of the habitat conservation areas. The CHMP assigns responsibility for the continued maintenance and management of the habitat conservation areas to the Brightwater Maintenance Corporation (BMC) as the Master Homeowners' Association for Brightwater.

Hazards and Hazardous Materials

Project design features and standard conditions relating to hazards and hazardous materials included preparation of a fuel modification plan in accordance with the Orange County Fire Authority; preparation of a plan for remediation if contaminated soils are discovered during grading, and reabandonment of two abandoned oil wells within the residential portion of the BDP site in accordance with State and Orange County procedures. Reabandonment of the two oil wells and remediation of contaminated soils will take place before project implementation. A standard condition required the preparation of a fuel modification plan in accordance with the Orange County Fire Authority before approval of grading permits. Continued maintenance of the 100-foot fuel modification zone is the responsibility of the Brightwater Maintenance Corporation.

Public Services

Both the BDP and the Brightwater Specific Plan provides for approximately 38 acres of open space/passive recreation areas within the site that consist the following: paseos; pocket parks; a 2.9-acre Southern Tarplant preservation area; 29.2-acre native grasslands and Coastal Sage Scrub creation area; and a five-acre Eucalyptus Environmentally Sensitive Habitat Area (ESHA). A pedestrian trail is located along the upper edge of the Southern Tarplant preservation area and, as with all on-site recreational areas, will be available to residents as well as the general public. The Brightwater Maintenance Corporation (BMC) provides for the permanent care and maintenance of all common areas and open space. As such, the City of Huntington Beach will not be responsible for maintenance of any of the on-site open space areas.

Utilities and Service Systems

Subsequent EIR No. 551 contains mitigation measures and monitoring actions that required the BDP to conform to the Orange County Municipal Storm water Permit (Order No. 96-31, NPDES No. CAS618030) and the Orange County Drainage Area Management Plan requirements for BMPs for runoff control and water quality standards. The Brightwater Maintenance Corporation is responsible for the continued maintenance and implementation of the structural and non-structural BMPs after project completion.

Recreation

Subsequent EIR NO. 551 found that the BDP would have a less than significant impact on local, regional or state recreational resources with the implementation of standard conditions and project design features. Both the BDP and the Brightwater Specific Plan provides for approximately 38 acres of open space/passive recreation areas within the site that consist the following: paseos; pocket parks;

a 2.9-acre Southern Tarplant preservation area; 29.2-acre native grasslands and Coastal Sage Scrub creation area; and a five-acre Eucalyptus Environmentally Sensitive Habitat Area (ESHA). A pedestrian trail is located along the upper edge of the Southern Tarplant preservation area and, as with all on-site recreational areas, will be available to residents as well as the general public. The Brightwater Maintenance Corporation provides for the permanent care and maintenance of all common areas.

Aesthetics

Subsequent EIR No. 551 evaluated visual impacts of the BDP and concluded that development of the BDP site would result in a significant impact to a public view shed that could not be avoided if the site were to be developed. Orange County required specific project design features and standard conditions as mitigation for these impacts relating to aesthetics that reduced any remaining potential impacts to aesthetics to less than significant. The Subsequent EIR No. 551 concluded that landscape design guidelines, building setbacks and architectural controls would reduce most of the visual impacts from the BDP to less than significant.

Cultural Resources

Subsequent EIR No. 551 concluded that all project-related (BDP) impacts to cultural resources will be reduced to a less than significant level with implementation of Standard Conditions of Approval (SCAs) and Project Design Features (PDFs) that will be implemented before conclusion of grading of the site.

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):

The Local Agency Formation Commission (LAFCO) approval of the proposed annexation of the subject property must be completed after the City of Huntington Beach entitlement process is finished.

Any Local Coastal Program Amendment is subject to review and approval by the California Coastal Commission.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.**

Jason Kelley
Signature

8/1/07
Date

Jason Kelley
Printed Name

ASSOCIATE PLANNER
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVIII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVIII. Other sources used or individuals contacted have been cited in the respective discussions.
 - g) The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach’s requirements.

SAMPLE QUESTION:

<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
<i>Landslides? (Sources: 1, 6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i>				

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: #1, 2)

Discussion: The proposed annexation and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach will not result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed annexation is consistent with the City’s General Plan. The BDP has received entitlements and permits from Orange County and is in the process of being constructed. The proposed annexation will take place in phases after homes have been constructed. As such, the proposed project is consistent with General Plan Land Use Element goal LU 3 and related policies LU 3.1.1 and 3.2.1 relating to annexation as follows:

“Achieve the logical, orderly, and beneficial expansion of the City’s services and jurisdictional limits.” (Goal LU 3)

“Require that any lands proposed for annexation are contiguous with the City.” (Policy LU 3.1.1)

“Require that the existing and future land uses located within the proposed annexation area are compatible with the adjacent City uses.” (Policy LU 3.1.2)

The proposed annexation is within the City’s sphere of influence and is contiguous with the City boundary on the north. The proposed project is a logical and orderly extension of the City’s boundaries and services. The BDP consists of single-family residential and open space/conservation areas that are consistent with existing single-family development adjacent to the project area on the north and the open space uses to the south.

Coastal development permits (CDPs) must be approved by the California Coastal Commission for projects located in areas without certified Local Coastal Plans. As the project site is within an area without a certified local coastal plan, CDP 5-05-020 was issued for the BDP by the Commission in December 2005. The project is consistent with CDP No. 5-05-020 in that the proposed Specific Plan was created to be consistent with the requirements of that permit and approval is conditioned on continued compliance with the approved CDP. The additional six homes will be subject to approval pursuant to the Specific Plan or existing County/City process depending on the time of both projects. Additional homes in the Sandover Project would also require entitlements pursuant to the City’s RL (Residential Low Density) standards.

The proposed rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan is consistent with the City’s Zoning Code in that it meets the findings required in Section 215.12 of the City of Huntington Beach Zoning and Subdivision Ordinance. The project meets the findings required for approval of a Specific Plan as follows:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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“The Specific Plan is consistent with the adopted Land Use Element of the General Plan and, if in the coastal zone, with the certified Local Coastal Land Use Plan, and other applicable policies and is compatible with the surrounding development.”

The proposed Specific Plan is consistent with the General Plan as described above and is consistent with the surrounding single-family residential to the north and open space to the south in that it designates the approved BDP as single-family residential and open space/conservation area. The proposed Specific Plan has been developed to be consistent with CDP No. 5-05-020 and is not inconsistent with the existing RL zoning on the 0.365 acres.

“The Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the Plan were not adopted.”

The Brightwater Specific Plan provides an extensive list of architectural design guidelines that ensure that development occurring after approval, including residential additions and remodeling, of the annexation will be consistent with the quality of existing development within the Specific Plan area.

“Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the Specific Plan.”

The Brightwater Specific Plan contains provisions that require preservation of open space/habitat areas that preserve environmentally sensitive plant and animal species. The open space/habitat conservation areas provide a direct benefit to the City in that in some areas trails will be assessable to the public, and preservation of environmentally sensitive areas is a benefit to the City and surrounding community as well as the Southern California region.

“The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public services demands will not exceed the capacity of existing and planned systems.”

The Specific Plan contains provisions for the adequate provision of all utilities, services and emergency access to the project area.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: #14, 15, 16, 17, & 18)

Discussion: The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan. With approval of the BDP by Orange County, a Comprehensive Habitat Management Plan was prepared for the approximately 105.3 acres of the BDP in order to comply with the special conditions imposed by the California Coastal Commission on CDP 5-05-02. Site development standards and regulations of the Brightwater Specific Plan are consistent with CDP 5-05-02 special conditions and the Comprehensive Habitat Management Plan. Therefore, implementation of the proposed project will not have an impact in this area.

- c) Physically divide an established community? (Sources: #1)

Discussion: The BDP was approved by Orange County and is currently under construction. The Brightwater Specific Plan was created to be consistent with the BDP approved by Orange County and no increase in density

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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or intensity of land use beyond what was analyzed in Subsequent EIR No. 551 is proposed. The five lots identified in the Specific Plan that are located between the BDP and existing Sandover homes and the additional Sandover lots will not physically divide the existing Sandover project. As such, the proposed project involving annexation, rezoning and rezoning of the property is not expected to result in an increase in density or intensity of development and would not physically divide the project area and would not result in any impact in this area.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: #1, 2, 17 & 19)

Discussion: The proposed project will not induce substantial population growth in the area. The annexation will take place in phases after each project phase has been completed. The ZTA and ZMA adopting the Brightwater Specific Plan reflect the project as approved by Orange County and, as such, are within the parameters of the residential development and habitat protection and creation evaluated in Subsequent EIR No. 551, which also included an analysis of the additional nine homes proposed to be constructed after project approval. Consequently, the Specific Plan and related ZTA and ZMA will not induce any new substantial population growth in the area beyond what was analyzed in Subsequent EIR No. 551.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: #1, 17 & 19)

Discussion: See discussion under item c.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: #1)

Discussion b) & c): The annexation, and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach will not displace substantial numbers of existing housing or displace substantial numbers of people necessitating the construction of replacement housing. The Brightwater project was approved by Orange County and the California Coastal Commission and is currently under construction on previously vacant land. Therefore, the proposed project will not create any new impacts in these areas.

GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Sources: #1, 6, 12, 17 & 19)

Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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ii) Strong seismic ground shaking? (Sources: #1, 6, 12, 17 & 19)

Discussion: See discussion below.

iii) Seismic-related ground failure, including liquefaction? (Sources: #1, 6, 12, 17 & 19)

Discussion: See discussion below.

Landslides? (Sources: #1, 6, 12, 17 & 19)

Discussion a): The project involves annexation of the approximately 105.3-acre BDP and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan. The project is within the parameters of residential development evaluated in Subsequent EIR No. 551. Therefore, implementation of the project would not create any new impacts relating to exposure of people or structures to substantial adverse effects relating to rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction; landslides, etc.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: #1, 6, 12, 17 & 19)

Discussion: See discussion below.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: #1, 6, 12, 17 & 19)

Discussion: See discussion below.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1, 6, 12, 17 & 19)

Discussion b) through d): The proposed project involves annexation of the approximately 105.3-acre BDP and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to implement the Brightwater Specific Plan. The Brightwater Specific Plan is reflective of the project as approved by Orange County and the CCC and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. Annexation will take place in phases as homes are constructed. Therefore, the project would not create any new impacts relating to soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading or fill; or unstable soil conditions; or unstable or expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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wastewater (Sources: #1, 6, 12, 17 & 19)

Discussion e): The Brightwater Specific Plan area will be served by City of Huntington Beach sewer line per the out-of-area service agreement approved by Orange County LAFCO to allow the city to provide sewer services to the site before annexation. The provision of sewer services will continue to be provided by the City upon annexation of the project site. Therefore, the project will have no impact in this area.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion under b).

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project reflects the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The proposed ZMA and ZTA are also consistent with the approved BDP and CDP No. 5-05-020 and would not result in any additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551 and will not result in construction of new infrastructure. Therefore, implementation of the proposed project would not create any new environmental impacts relating to water quality standards or waste discharge requirements, groundwater supplies or groundwater recharge.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner that would result in flooding on or off-site? (Sources: #17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion c) & d): The proposed project reflects the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The proposed Specific Plan would not result in an increase in density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation will take

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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place in phases after homes area constructed. As such, implementation of the proposed project would not result in alteration of an existing drainage pattern or stream or river course and, therefore, would not result in increased erosion or siltation on or off-site or result in flooding on or off site. The project would not create any new impacts relating to these issues.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Otherwise substantially degrade water quality? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion e) and f): The proposed project reflects the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The proposed Brightwater Specific Plan would not result in additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551 and annexation will take place in phases after homes are constructed. As such, implementation of the proposed project would not create or contribute runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality. Therefore, the project would not have an impact in these areas.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion g) & h): The project area is outside a FEMA designated 100-year floodplain.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed annexation, rezoning and rezoning are reflective of the BDP as approved by Orange County and the California Coastal Commission and are within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The proposed project would not result in an increase of density or land use intensity on the site beyond what was analyzed in Subsequent EIR No. 551. Therefore, implementation of the proposed project would not have any new impacts in this area.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| j) Inundation by seiche, tsunami, or mudflow? (Sources: # 1, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The proposed project is reflective of the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. Consequently, the proposed project will not result in additional density or intensity of land use. Therefore, the proposed project will not result in any new impacts relating to risk of inundation from seiche, tsunami or mudflow.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| k) Potentially impact storm water runoff from construction activities? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| l) Potentially impact storm water runoff from post-construction activities? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Source: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| n) Result in the potential for discharge of storm water to affect the beneficial uses of the receiving waters? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| o) Create or contribute significant increases in the flow velocity or volume of storm water runoff to cause environmental harm? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: # 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items k) through p): The proposed annexation, rezoning and rezoning are reflective of the BDP as approved by Orange County and the California Coastal Commission and are within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The project would not result in an increase in density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551 and the proposed annexation will take place in phases after homes are constructed. As such, no new construction or development will occur as a result of the project that would create significant hydrology and water quality impacts. Implementation of the project will not result in new environmental impacts to hydrology and water quality.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. **AIR QUALITY**. The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: #1, 8, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: : #1, 8, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Create objectionable odors affecting a substantial number of people? (Sources: : #1, 8, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: : #1, 8, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: : #1, 8, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a) through e): The proposed project is reflective of the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. Implementation of the project would not result in an increase in density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. No new construction or development will occur as a result of the project that would create a significant air quality impact. Therefore, implementation of the project will not result in any new impacts to air quality.

VI. **TRANSPORTATION/TRAFFIC**. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Sources:#1, 17 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: #1, 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: #1, 10, 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: #1, 10, 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
e) Result in inadequate emergency access? (Sources: #1, 10, 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
f) Result in inadequate parking capacity? (Sources: #1, 10, 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: # 17 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion c) through f): The proposed project involves rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan and annexation into the City of Huntington Beach. The Brightwater Specific Plan is reflective of the BDP approved by Orange County and the California Coastal Commission and would not result in an additional increase in density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation will take place in phases after homes are constructed. In addition, the site will be fully served by adequate infrastructure and will not require an extension of infrastructure before annexation takes place. No new construction or development will occur that may cause a substantial increase in vehicle trips or a significant transportation/traffic impact. Therefore, implementation of the proposed project will not result in any new impacts from transportation/traffic-related issues.

VII. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: #1, 13, 15, 16, 17 & 18)

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: #1, 13, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: #1, 13, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: #1, 13, 15, 16, 17 & 18)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: #1, 13, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: #1, 13, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a) through f): The proposed project reflects the BDP approved by Orange County and California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. Annexation of the BDP site will take place in phases after homes are constructed. As such, the project will not result in increased density or intensity of land use, beyond what was analyzed in Subsequent EIR No. 551, in the project area and will not create any new significant environmental impacts relating to biological resources above what was identified in Subsequent EIR No. 551. Therefore, the proposed project will not result any new impacts to biological resources.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: #1, 6, 15, 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: # 1, 15, 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a) & b): There are no known mineral resources on the project site. As the proposed project reflects the BDP approved by Orange County and under CDP 5-05-020 and development analyzed in Subsequent EIR No. 551, no substantial increase in construction or development will result from implementation of the project. The proposed annexation will take place in phases after homes are constructed. Therefore, the project will not result in any new impacts on mineral resources.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: #1, 10, 11, 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion items a) through d): The Brightwater Specific Plan reflects the BDP as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The proposed Brightwater Specific Plan will not result in additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation will take place in phases after homes area constructed. Consequently, the project would not create any new environmental impacts relating to the transportation, use or disposal of hazardous materials or to exposure of the public or environment to hazardous materials on the site.

- d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: # 16 & 18)

Discussion: See discussion under item e.

- e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: # 16 & 18)

Discussion: The project site is not located within an airport land use planning area or within a two mile radius of a public airport or public use airport. There are no hazards associated with airport land uses for persons residing or working within the project area.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: #1, 16 & 18)

Discussion: See discussion under item h.

- g) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: # 16 & 18)

Discussion items f) & g): The project is consistent with that approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. As such, the project would not create any new environmental impacts relating to impairment of or physical interference with an adopted emergency response plan or emergency evacuation plan or exposure of people to risks from wildland fires. As such, the project will not result in additional impacts relating an adopted emergency response plan, emergency evacuation route or exposure of people or structures to risks from wildland fires.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: #1, 12, 16 & 18)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Sources: #1, 12, 16 & 18)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: #1, 12, 16 & 18)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: #1, 12, 16 & 18)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a) through d): The proposed project would not result in an increase in density or intensity of development beyond what was analyzed in Subsequent EIR No. 551. As such, the project would not result in a substantial permanent increase in noise levels, excess ground borne vibration or noise levels, and ambient noise levels in the project vicinity above levels existing without the proposed project. Therefore, the proposed project will have no additional impacts in these areas

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: #1, 16 & 18)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not located within an airport land use planning area or within two miles of a public airport or public use airport.

- h) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: #17 & 19)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not located within the vicinity of a private airstrip.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection? (Sources: # 16 & 18)

Discussion: The Orange County Fire Authority (OCFA) currently serves the majority of the site. However, a mutual aid agreement between the City and OCFA is currently in place. With implementation of the proposed project, the City of Huntington Beach Fire Department will provide fire protection services to the site, though the mutual aid agreement will remain in effect. Provision of fire services to the site by the City of Huntington Beach was analyzed in Subsequent EIR No. 551 which found that the City Fire Department will meet the standard response times of three to five minutes using existing facilities, equipment, and personnel. Fire suppression sprinklers are being installed within the homes, which will reduce the need for fire services to the site. As such, the change in the provision of fire services to the site with project implementation will not result in any new impacts in this area.

- b) Police Protection? (Sources: # 16 & 18)

Discussion: The Orange County Sheriff-Coroner Department (OCSCD) currently serving the majority of the site will change with implementation of the project to the City of Huntington Beach Police Department. Provision of law enforcement services to the site by both the City of Huntington Beach and by OCSCD were analyzed in Subsequent EIR No. 551, which found that both departments have the capacity to meet the standard response times of five minutes using existing facilities, equipment, and personnel. There is also a mutual aid agreement currently in effect between the City and OCSCD to provide law enforcement services in the project area. As such, the change in the police service provider to the site with project implementation will not result in any new impacts in this area.

- c) Schools? (Sources: # 16 & 18)

Discussion: The proposed project involves the annexation of approximately 105.3 acres of land into the City of Huntington Beach and associated rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan area. Current service providers include the Huntington Beach Union High School and the Ocean View School District and will not change with project implementation. Therefore, implementation of the project will not result in any additional impact in to schools.

- d) Parks? (Sources: #1, 16 & 18)

Discussion: The proposed project involves the annexation of approximately 105.3 acres of land into the City of Huntington Beach and associated rezoning and rezoning of the property with the Brightwater Specific Plan. The annexation will take place in phases after homes are constructed. The Brightwater Specific Plan was developed to reflect the BDP as approved by Orange County, CDP # 5-05-020 and the Brightwater Habitat Management Plan. Therefore, no increase in density or intensity of land use, beyond what was analyzed in Subsequent EIR No. 551, will occur that will result in the need for additional parks. Therefore, implementation of the proposed project will not result in any new impacts to parks.

- e) Other public facilities or governmental services? (Sources: # 16 & 18)

Discussion: The proposed project will result in a change of the provision of emergency medical services to the BDP from Orange County Fire Department to the City of Huntington Beach Fire Department. Subsequent EIR

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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No. 551 and Addendum dated September 26, 2005 found the provision of emergency medical services would result in project-related impacts to emergency medical service provision and would be potentially significant. As a result of a mitigation measure specified in Subsequent EIR No. 551, the applicant entered into a Secured Fire Protection Agreement with Orange County Fire Authority in 2006 that would result in the reduction of potential significant impacts to less than significant. Subsequently, the applicant, Orange County and the City of Huntington Beach entered into an agreement that transferred the provision of fire and emergency medical services and pro rata fair share costs for provision of those services to the City of Huntington Beach upon annexation of the BDP into the City of Huntington Beach. As the proposed project will not result in an increase in density or intensity of development beyond what was analyzed in Subsequent EIR No. 551, implementation of the project will not result in additional impacts in this area.

XIV. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: # 16 & 18)

Discussion: See discussion below.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: # 16 & 18)

Discussion: See discussion below.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: # 16 & 18)

Discussion items a) through c): The proposed project involves annexation of the approximately 105.3-acre BDP in phases after homes are constructed and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to implement the Brightwater Specific Plan. The proposed project reflects the development approved by Orange County and the California Coastal Commission and as evaluated in Subsequent EIR No. 551. As such, the project will not create additional density or intensity of land use, beyond what was analyzed in Subsequent EIR No. 551, and will not result in construction of new infrastructure. In addition the proposed annexation will take place in phases after homes are constructed. Therefore, implementation of the proposed project will not create any new impacts that would result in the construction of new storm water drainage facilities or expansion of existing facilities, exceed wastewater treatment requirements, or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: # 16 & 18)

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The BDP is served by the City of Huntington per a preannexation agreement and LAFCO approval. The pre-annexation agreement included a determination by the City of Huntington Beach that sufficient water supply was available to serve the project site. The provision of water services to the site will not change with annexation of the site into the City of Huntington Beach.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items e) through g): The project involves annexation of approximately 105.3 acres into the City of Huntington Beach and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to establish the Brightwater Specific Plan for the project site. The Brightwater Specific Plan was created to reflect the BDP approved by Orange County and the California Coastal Commission and is within the parameters of the residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. The project will not increase the density or intensity of development within the project area beyond what was analyzed in Subsequent EIR No. 551. Consequently, the project will not result in additional impacts on landfill capacity and compliance with regulations pertaining to solid waste.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: # 16 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project involves annexation of the approximately 105.3-acre BDP in phases after homes are constructed and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to implement the Brightwater Specific Plan. The project reflects the development approved by Orange County and the California Coastal Commission and as evaluated in Subsequent EIR No. 551. The project will not create additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551 and will not result in construction of new infrastructure. As such the project will not create any new impact in this area.

XV. AESTHETICS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista? (Sources: #1, 16, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: #1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: #1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a) through c): The Brightwater Specific Plan reflects the BDP as approved by Orange County and the California Coastal Commission and contains landscape design guidelines, building setbacks and architectural guidelines that will regulate any new development within the BDP area after implementation of the current project. The Brightwater Specific Plan will provide the regulatory controls for such development, which may include new additions, alterations and reconstruction of existing homes and new landscaping. The proposed project will be implemented after homes are constructed and will not create additional density or land use intensity beyond what was analyzed in Subsequent EIR No. 551. The HOA and Brightwater Maintenance Corporation (BMC) as the Master Homeowners' Association for Brightwater will provide for the continued maintenance of the project landscaping and habitat conservation areas. Therefore, implementation of the proposed project will not result in any new impacts to aesthetics.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: #1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project involves annexation of approximately 105.3 acres into the City of Huntington Beach and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to the Brightwater Specific Plan. The project will be implemented after the site has been developed and, as such, will not result in additional sources of light and glare beyond what was analyzed in Subsequent EIR No. 551. Therefore, the project will not result in any new impacts from light or glare.

XVI. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: # 16, 17, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: # 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: # 15, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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16, 17 & 18)

Discussion: See discussion under item d.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: # 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a) through d): The proposed project is reflective of the project as approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat protection and creation evaluated in Subsequent EIR No. 551. Implementation of the project will take place after all homes have been constructed and will not result in additional density of intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Therefore, the project will not result in additional impacts to cultural resources.

XVII. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: #1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources: #1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Affect existing recreational opportunities? (Sources:#1, 15, 16, 17 & 18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a) through c): The proposed project is reflective of the BDP approved by Orange County and the California Coastal Commission and is within the parameters of residential development and habitat conservation and restoration evaluated in Subsequent EIR No. 551.

The project will be implemented after completion of the homes and completion of the recreational facilities for the BDP. The Brightwater Specific Plan is reflective of the BDP and will not result in increased density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation will take place in phases after homes are constructed. Therefore, implementation of the project will not result in any new impacts on recreational issues.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: #1, 15, 16, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion under item c.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: #1, 16, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: #1, 15, 16, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a) through c): The proposed project reflects the BDP approved by Orange County and the California Coastal Commission and is within the parameters of the project analyzed under Subsequent EIR No. 551. The Brightwater Specific Plan will not result in an increase in density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Therefore, implementation of the project will not have an impact on agricultural resources.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: # 12, 16, 17, 18 & 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Subsequent EIR No. 551, the conditions of Coastal Development Permit No. 5-05-020 and the conditions of approval, as specified by the County of Orange and the California Coastal Commission for the BDP Project (BDP) required mitigation measures and standard conditions of approval to assure that the maintenance and preservation of environmentally sensitive habitats and species is achieved for identified species or their habitats. The continued maintenance and preservation of the environmentally sensitive habitats will be the responsibility of the Brightwater Maintenance Corporation. The proposed Brightwater Specific Plan reflects the BDP as approved

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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by Orange County and the California Coastal Commission and will not create additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation of the BDP area into the City of Huntington Beach will take place in phases after homes are constructed and the project habitat conservation areas are completed. Implementation of the proposed annexation, and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach to the Brightwater Specific Plan will not result in any new impacts in these areas.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: # 13, 16, 17, 18, 19 & 21)
-

Discussion: The proposed project involves annexation of approximately 105.3 acres into the City of Huntington Beach and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan. The Brightwater Specific Plan is reflective of the BDP approved by Orange County and the California Coastal Commission and is within the parameters of residential and habitat creation evaluated under Subsequent EIR No. 551. As such, the proposed project will not result in an additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Annexation will take place in phases after homes are constructed. Therefore, the project will not result in impacts that are individually limited, but cumulatively considerable.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: # 13, 16, 17, 18, 19 & 20)
-

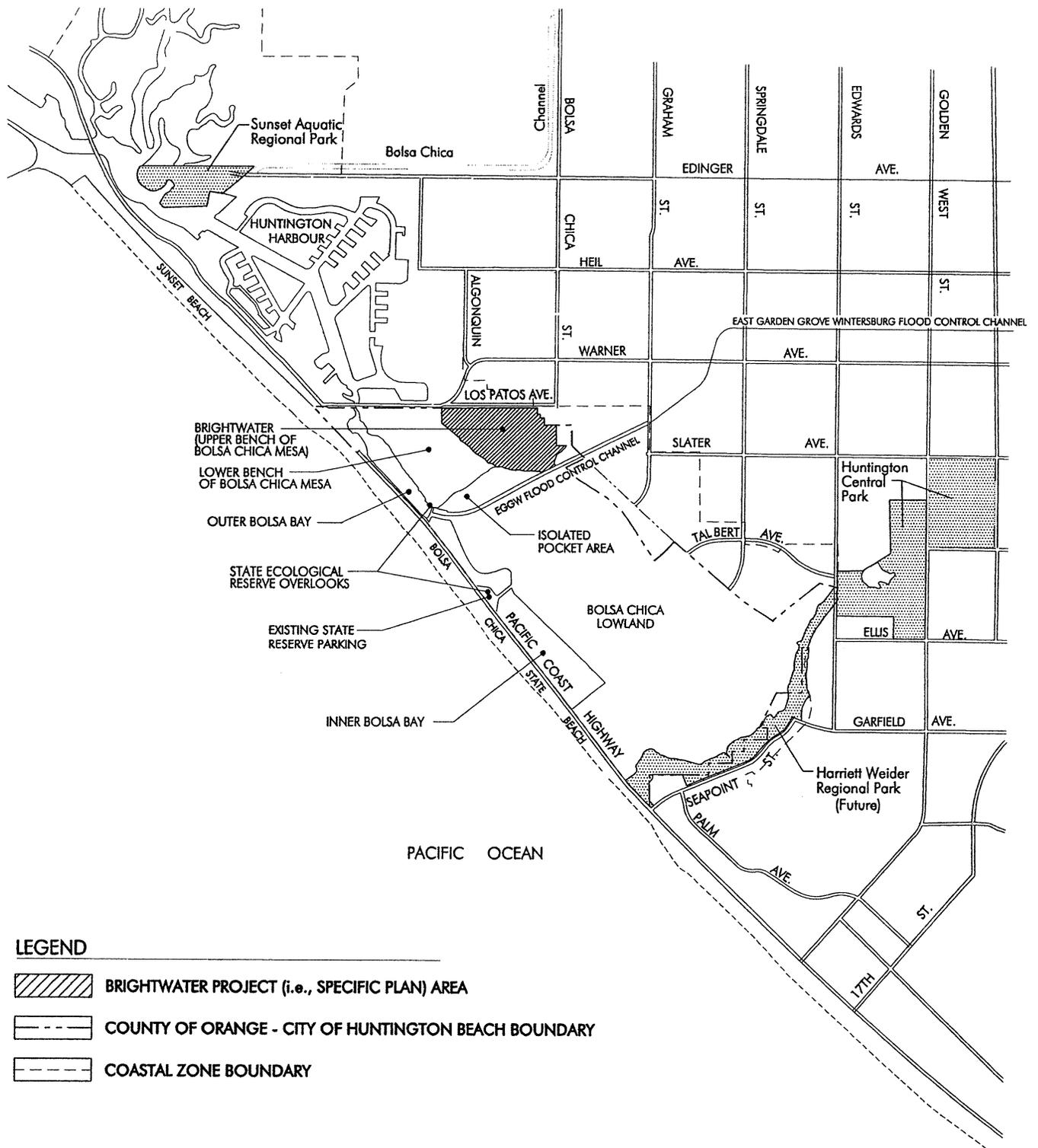
Discussion: The proposed project involves annexation of approximately 105.3 acres into the City of Huntington Beach and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan. The proposed Specific Plan is reflective of the BDP approved by Orange County and the California Coastal Commission and is within the parameters of Subsequent EIR No. 551. The proposed annexation will be implemented after homes are constructed and the BDP completed. As such, the proposed project will not result in an additional density or intensity of land use beyond what was analyzed in Subsequent EIR No. 551. Implementation of the annexation of the project site into the City of Huntington Beach and rezoning of the BDP and rezoning of 0.365 acres located within the City of Huntington Beach with the Brightwater Specific Plan will not result a substantial increase in environmental effects that will cause adverse effects on human beings, either directly or indirectly. Therefore, the project will not result in any new impacts in this area.

XX. EARLIER ANALYSIS.

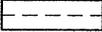
Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 @ (3) (D).

Earlier Documents Prepared and Utilized in this Analysis:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 2000 Main St., 3 rd Floor, Huntington Beach
2	City of Huntington Beach Zoning and Subdivision Ordinance	“
3	Project Vicinity Map	See Attachment #1
4	Reduced Site Plan	See Attachment #2
5	Project Narrative	See Attachment #3
6	City of Huntington Beach Geotechnical Inputs Report	City of Huntington Beach Planning Dept.
7	FEMA Flood Insurance Rate Map (February 18, 2004)	“
8	CEQA Air Quality Handbook, South Coast Air Quality Management District (1993)	“
9	City of Huntington Beach CEQA Procedure Handbook	“
10	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	“
11	Hazardous Waste and Substances Sites List	“
12	State Seismic Hazard Zones Map	“
13	City of Huntington Beach Municipal Code	“
14	Comprehensive Habitat Management Plan (December 2005)	“
15	Draft Brightwater Specific Plan, July 2007	“
16	Subsequent EIR No. 551	“
17	CDP No. 5-05-020	“
18	9/26/05 Addendum to Subsequent EIR No. 551	“
19	Orange County General Plan	“
20	Vesting Tentative Tract Map No. 15460	“
21	Sandover Plan site plan and Tract Map No. 15734	“

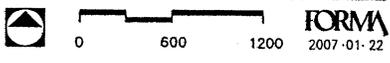


LEGEND

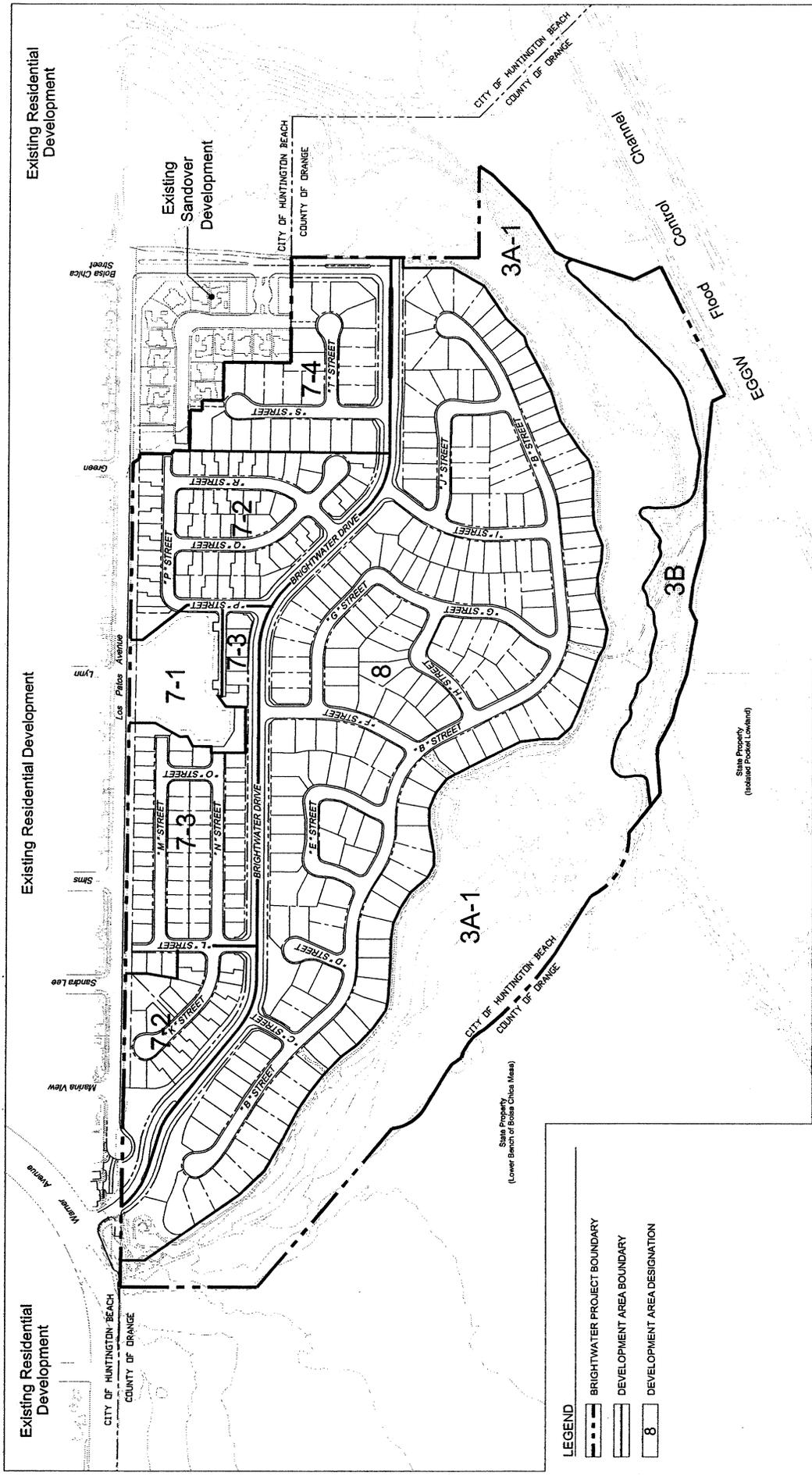
-  BRIGHTWATER PROJECT (i.e., SPECIFIC PLAN) AREA
-  COUNTY OF ORANGE - CITY OF HUNTINGTON BEACH BOUNDARY
-  COASTAL ZONE BOUNDARY

BRIGHTWATER SPECIFIC PLAN
 City of Huntington Beach • California

ATTACHMENT NO. 1
Vicinity Map



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ATTACHMENT NO. 2
Master Development Plan

FORM
 2007-07-23

BRIGHTWATER SPECIFIC PLAN
 City of Huntington Beach, California



Brightwater Specific Plan Description

The Brightwater Specific Plan encompasses a total of approximately 105.6 acres of land located on the upper Bolsa Chica Mesa, which is currently located within an incorporated area of northwestern Orange County. The Specific Plan encompasses approximately 37.1 acres of dedicated open space. Habitat conservation includes three separate areas that include the following:

Planning Area 3A-1 consists of 29.2 acres designated for Native Grassland and Coastal Sage Scrub that will also include a public trail and storm water conveyance structures;

Planning Area 3B consists of a five-acre Eucalyptus Environmentally Sensitive Habitat (ESHA);

Planning Area 7-1 consists of 2.9 acres designated for the Southern Tarplant and Seasonal Pond Habitat Preservation Area.

A total of 355 homes are proposed to be constructed within the remaining 67.5-acre residential portion of the site. The homes will be constructed within the following four Residential Development Areas:

Development Area 7-2 *The Sands* is proposed to have 79 single-family homes on approximately 12.1 acres. Minimum lot size will be 2,800 square feet. The floor sizes in this development area range from 1,880 to 2,362 square feet. There are three architectural plans for the Sands.

Development Area 7-3 *The Trails* is proposed to have 62 single-family homes on approximately 7.5 acres. Minimum lot size will be 2,800 square feet. Home sizes will range from 1,559 to 1,877 square feet of floor area. There are three different architectural plans for The Trails.

Development Area 7-4 *The Cliffs* is proposed to have 24 single-family homes on a total of 6.4 acres. Lots will be a minimum of 6,000 square feet in size. Floor areas for the homes will range from 3,080 to 3,853 square feet in size. There are four different architectural plans for The Cliffs.

Development Area 8 *The Breakers* is proposed to have 190 single-family homes on a total land area of 42.5 acres. Minimum lot size in this area will be 4,700 square feet in size. Floor areas for each home will range from 3,080 to 3,853 square feet. There are four different architectural plans for The Cliffs.

**NEGATIVE DECLARATION COMMENT
LETTERS**

Received as of August 31, 2007

**RESPONSE TO COMMENTS WILL BE AVAILABLE PRIOR TO THE
SEPTEMBER 11, 2007 PLANNING COMMISSION MEETING**

The comment period ends September 6, 2007

August 19, 2007

City of Huntington Beach

City of Huntington Beach Planning Dept
Attn: Jason Kelley
2000 Main St
Huntington Beach, CA 92648

AUG 21 2007

RE: Public Comment for Draft Negative Declaration for Brightwater Specific Plan & Annexation

Mr. Kelley,

I have several questions and concerns about both the Specific Plan and the Neg-Dec.

Statements in *italics* are taken from the document at
http://www.surfcity-hb.org/files/users/planning/brightwater_specific_plan.pdf

TRAFFIC & CIRCULATION

Common area development includes privately-owned streets,

How can the streets be “privately owned” if this is NOT a gated community (and never can be due to the CDP)?

Speaking of which, there is currently a security shack at the Brightwater/Bolsa Chica intersection. Is this temporary due to construction traffic and will be removed once construction is complete?

Bolsa Chica Street improvements will include the extension of the 2-lane street, varying in width, from the Sandover neighborhood entrance to the Brightwater project entry.

Is there any parking available on this extension?

For the general public to access the Public Trail, where are they supposed to park their cars? The text makes no mention or provision for general public parking for use of the public trail, at either end (Warner end or Bolsa Chica end).

Development Area 7-4 will be accessed from “S” and “T” Streets, which connect to the existing Sandover project, and to the Bolsa Chica Street entry on the east.

Shouldn't this read “Bolsa Chica Street GATED entry”? Or is the Sandover gate coming down?

On-street parking will be allowed along both sides of the 36-foot-wide streets of the development area to serve both residents and their guests. Driveways are spaced such that generally one on-street parking space is available in front of each home.

(And)

As shown on Exhibit 4.2-4, Brightwater Drive, the unloaded collector roadway that links Brightwater's two entries.... providing for a 40-foot road section....

Exhibit 4.2-4 shows parking on one side of Brightwater Drive and a bike lane on the other, but there's NO mention of street parking or a bike lane IN THE WRITTEN DESCRIPTION of the street in the Specific Plan.

And if Brightwater Drive is 40-feet wide, and the residential streets are 36-feet wide, why is there 2-sided parking on the narrower road and only 1-sided parking (as diagramed in 4.2-4) on the wider road?

PUBLIC SERVICES / RECREATION

There is not a single mention in the Neg-Dec of impacts (or lack thereof) to local community services programs and library services. Shouldn't they at least be mentioned?

See also the comment above about parking & bicycles along Brightwater Drive.

What about a bicycle rack at each end of the public trail?

From the Neg-Dec: *There is also a mutual aide agreement currently in effect between the City and OCSCD to provide law enforcement services in the project area.*

What about animal control? People are already using the Public Trail, and some are misusing it with OFF-LEASH dogs.

People are also already straying off the trail into the habitat area. Dept of Fish & Game says the slope of the habitat area is not state property so they have no enforcement ability. Is the slope under the jurisdiction of the OCSCD-HBPD mutual aide agreement?

AESTHETICS / BIOLOGICAL RESOURCES

The Planning Director or Director's designee shall be responsible for interpreting and enforcing the site development standards and design guidelines set forth in the Specific Plan.

Will the Planning Director conduct an annual inspection to ensure the HOA is enforcing the rules, particularly with regards to landscaping and lighting?

Outdoor lighting shall be designed to provide adequate illumination of on-site areas without intruding upon surrounding properties or sensitive uses.

Are there any safeguards in place to ensure that the homeowners that back up to the perimeter public trail will NOT install lighting (including, but not limited to motion detectors), that intrudes into the sensitive habitat area (both the perimeter area and the tarplant area)?

Brightwater's "lush" landscape theme...The area will include understory planting and shrubs, as well as simple and expansive areas of lawn that meander on both sides of the entry.

This is highly irresponsible landscaping, particularly RIGHT NEXT TO an Ecological Reserve! Re: "Expansive areas of lawn"—for what purpose? To waste water?

LANDSCAPE ZONE A – Residential Areas Adjacent to Native Area (20' within Residential Lots and Paseos)

Specific non-native invasive plants are prohibited from this portion of the residential landscape, with prohibitions based upon adopted regional policies of the California Development of Fish and Game in consideration of the proximity of incorporated and unincorporated urban areas to the Bolsa Chica Wetlands Restoration Area.

Who will be enforcing the plant pallet?

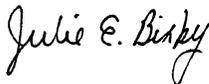
Will there be annual inspections to ensure compliance?

What about change of ownership? Will there be title & deed restrictions to ensure plant compliance?

What about the Habitat Restoration area (yellow Zone 6 on Exhibit 4.2-1) between the Sands and the Trails models? Why isn't there a restriction on the plants allowed in those backyards that are also adjacent to a sensitive area?

Thank you.

Sincerely,



Julie E. Bixby



AUG 24 2007



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

August 22, 2007

Mr. Jason Kelley
Associate Planner
City of Huntington Beach, Planning Department
2000 Main Street
Huntington Beach, California 92648

INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION (ND) FOR
BRIGHTWATER SPECIFIC PLAN AND ANNEXATION PROJECT (SCH #
2007081028)

Dear Mr. Kelley:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The proposed project involves three components: 1) annexation application to the Orange County Local Area Formation Commission to annex the Brightwater Development Project into the City of Huntington Beach; 2) rezoning for portions of the Brightwater Development Project presently located within Orange County; and 3) rezoning of the portions of the site currently located within the City of Huntington Beach from Residential Low Density to Specific Plan."

Based on the review of the submitted document DTSC has the following comments:

- 1) The ND should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances.
- 2) The ND should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

- Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property.
- 4) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

- 5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 6) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 7) If the site was used for agricultural or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 9) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.

Mr. Jason Kelley
August 22, 2007
Page 4

If you have any questions regarding this letter, please contact
Ms. Eileen Khachatourians, Project Manager, at (714) 484-5349.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 1793

ATTACHMENT NO. 6.8

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



City of Huntington Beach

August 27, 2007

AUG 30 2007

Mr. Jason Kelley, Associate Planner
CITY OF HUNTINGTON BEACH
 2000 Main Street
 Huntington Beach, CA 92648

Re: SCH#2007081028; CEQA Notice of Completion; Negative Declaration for BRIGHTWATER SPECIFIC PLAN & ANNEXATION PROJECT; City of Huntington Beach; Orange County, California

Dear Mr. Kelley:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/

<http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> The record search will determine:

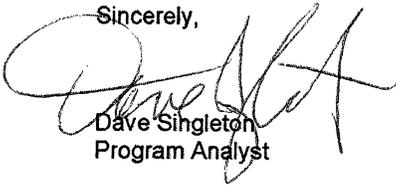
- If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
- * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
- * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is stylized and cursive, written over the printed name and title.

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Native American Contacts

Orange County

August 27, 2007

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda , CA 91335
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor
Los Angeles , CA 90021
office @tongvatribes.net
(213) 489-5001 - Officer
(909) 262-9351 - cell
(213) 489-5002 Fax

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
31742 Via Belardes
San Juan Capistrano , CA 92675
(949) 493-0959
(949) 493-1601 Fax

Juaneno

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street
San Juan Capistrano , CA 92675-2674
arivera@juaneno.com
949-488-3484
949-488-3294 Fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Administrator
4712 Admiralty Way, Suite 172
Marina Del Rey , CA 90292
310-570-6567

Gabrielino Tongva

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB
Culver City , CA 90230
gtongva@verizon.net
562-761-6417 - voice
562-920-9449 - fax

Gabrielino/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Gabrielino Tongva

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry , Tribal Manager & Cultural Resources
31742 Via Belardes
San Juan Capistrano , CA 92675
(949) 493-0959
(949) 293-8522 Cell
(949) 493-1601 Fax

Juaneno

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081028; CEQA Notice of Completion; Negative Declaration for Brightwater Specific Plan & Annexation Project; City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 6.11

Native American Contacts

Orange County

August 27, 2007

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
slfredgcruz@sbcglobal.net

Juaneno Band of Mission Indians
Adolph "Bud" Sepulveda, Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Sonia Johnston, Tribal Vice Chairperson
Juaneño Band of Mission Indians
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
(714) 323-8312
sonia.johnston@sbcglobal.net

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081028; CEQA Notice of Completion; Negative Declaration for Brightwater Specific Plan & Annexation Project; City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 6.12

City of Huntington Beach



Warner Mesa Annexation Study

September 19, 2005

City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648



RSG

INTELLIGENT COMMUNITY DEVELOPMENT

ROSENOW SPEVACEK GROUP INC.

309 WEST 4TH STREET
SANTA ANA, CA 92701-4502
T 714.541.4585
F 714.541.1175
E INFO@WEBRSG.COM
WEBRSG.COM

ATTACHMENT NO. 7.1

Warner Mesa Annexation Study
City of Huntington Beach

Table of Contents

EXECUTIVE SUMMARY 1

 Conclusions.....1

BACKGROUND AND PURPOSE 2

 Purpose of Study.....2

 The Bolsa Chica Warner Mesa.....2

 MAP 1: Brightwater Vicinity.....4

 Hearthside Homes Project Description.....5

ANNEXATION POLICIES..... 6

 Annexation Procedures and Policies.....6

 Role of LAFCO.....6

 Huntington Beach Sphere of Influence.....7

STUDY METHODOLOGY 9

 Study Approach and Assumptions9

 Schedule9

 Agency Roles.....10

FISCAL ANALYSIS..... 12

 Scenario 1: Annexation Prior to Development.....12

 Expenditures.....12

 Revenues16

 Summary.....20

 Scenario 2: Annexation After Development23

 Expenditures and Revenues.....23

 Summary.....25

 Scenario 3: Development with No Annexation.....28

 Expenditures and Revenues.....28

 Summary.....29

APPENDIX A – PROPERTY TAX TRANSFER RATES..... 32

APPENDIX B – TABLE FOOTNOTES..... 34

EXECUTIVE SUMMARY

This Annexation Study ("Study") was prepared for the City of Huntington Beach ("City") to address the fiscal impacts that may be associated with the annexation of an unincorporated portion of the Bolsa Chica called the Warner Mesa. A residential development has been approved by the California Coastal Commission for the Warner Mesa, which will increase the demand for local and regional services to land currently uninhabited.

This Study has been performed to assist the Huntington Beach City Council as they deliberate the issue of annexing the Warner Mesa. It should be noted that the deficit and surplus projections presented in this study do not represent exact future sums. All fiscal studies must be based on assumptions and methodologies which could alter forecasted amounts. This study makes every attempt, however, to ensure that all assumptions are sound and conservative.

The Study examines three scenarios, all of which assume that development will occur on the Warner Mesa. The scenarios consisted of annexation prior to development, annexation one year after the commencement of development, and development with no annexation. A seven year time horizon was used for each alternative to offer a cycle of costs and revenues that included elections, periodic street maintenance activities, and housing turnover.

The following is a summary of the cumulative surplus (deficit) resulting from each of the aforementioned scenarios.

1. Annexation Prior to Development

The fiscal impact to the City under this scenario resulted in positive cash flow during the study time horizon, with a cumulative surplus of approximately **\$19.2 million** through the final year of the analysis.

2. Annexation After Development

This scenario resulted in positive revenue generation in each year, with a cumulative surplus of approximately **\$4.1 million** through the final year of this analysis.

3. Development Without Annexation

The fiscal impacts to the City produced by this scenario also remain positive each year, with a cumulative surplus of approximately **\$3.3 million** through the final year of this analysis.

Conclusions

Analysis of the three scenarios utilized in the Study presents a clear picture of the fiscal trend that would result from annexation. In each case, the City would financially benefit from the proposed development on the Warner Mesa, but annexation prior to development would be the most financially beneficial.

Background and Purpose

Purpose of Study

This Annexation Study ("Study") has been performed at the request of the City of Huntington Beach ("City") to evaluate the fiscal impacts associated with the annexation of the Bolsa Chica Warner Mesa, specifically the proposed housing development, Brightwater. The purpose of the Study is to determine the potential incremental costs and revenues that the City would incur if development occurs, particularly if the project were to receive municipal services through the City of Huntington Beach. Information and assumptions are laid out within the text as well as in the table footnotes, located in Appendix B.

Hearthside Homes, which currently owns the Warner Mesa property, received coastal development permit (CDP) 5-05-020 from the California Coastal Commission as conditioned by items adopted on April 14, 2005. The CDP allows the subdivision and development of approximately 68 acres of the upper bench of the Bolsa Chica Mesa (the "Warner Mesa") into a single family residential community, with additional acreage for use as preservation areas and open space.

The land is currently an unincorporated island adjacent to the City of Huntington Beach. As such, development permits, as well as local and regional governmental services, are within the jurisdiction of the County of Orange. Due to the location of the Bolsa Chica, the City of Huntington Beach has previously considered annexing the entire area. However, the land has remained undeveloped, and has therefore historically had minimal need for local or regional services. If the Brightwater development occurs as proposed, the demand for these services will increase, making annexation a logical option. This potential action brings into question the fiscal impacts annexation may have on the annexing city. As articulated in the City's General Plan, financial impacts are a primary concern for potential annexation opportunities.

Objective LU 3.1

"Ensure that any proposed annexation is consistent with the overall objectives and does not adversely impact fiscal or environmental resources, and public services and infrastructure of the City of Huntington Beach."

Thus, this Study has been produced to assist the City by evaluating the potential costs and revenues that would be associated with the annexation of the proposed Brightwater development, in compliance with the objectives of the City's policies.

The Bolsa Chica Warner Mesa

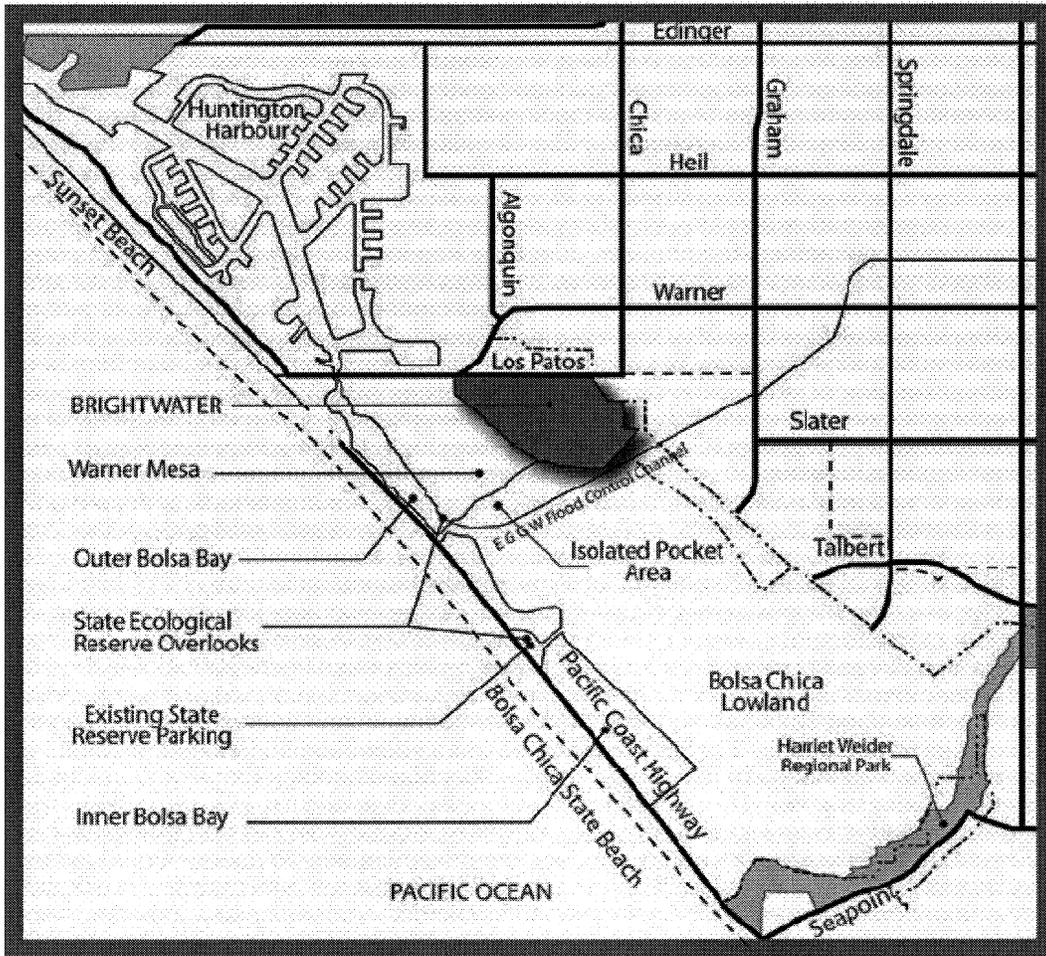
The greater Bolsa Chica area is approximately 1,588 acres. It is divided functionally into the uplands of the Bolsa Chica mesa to the north, the Huntington Mesa to the south, the centrally located lowlands, and the wetlands. The lowlands were historically wetlands; but they have long been used for oil

production. A large portion of the lowlands has recently been acquired by the State of California, and efforts are underway to restore and increase the functioning wetlands.

The uplands of the Bolsa Chica Mesa consist of a lower and upper bench, the latter of which is the proposed site for the Brightwater development. At the time of this Study, the status of the upper bench is as follows:

- The land is currently unincorporated, and within the jurisdiction of the County of Orange. The 349 residential unit Brightwater development has received an approved Coastal Development Permit from the California Coastal Commission with 26 Special Conditions the developer has agreed to.
- Hearthside Homes, the land owner and proposed developer, anticipates an area plan amendment, amended tentative tract map, site plan, and CEQA addendum to be approved by the County of Orange in the fall of 2005, and expects to commence grading activities in March of 2006 through County of Orange permits.
- Hearthside Homes currently has land holdings in the lower bench, and plans to complete the sale of the land to the State by the end of 2005.
- The Local Agency Formation Commission (LAFCO) holds ultimate authority to review and approve or deny annexation. LAFCO has held preliminary meetings with the City of Huntington Beach and is prepared to facilitate the annexation of the land.
- No current development agreements are in effect.

MAP 1 Brightwater Vicinity



Hearthside Homes Project Description

The Brightwater project proposes 349 single family units on 67.9 acres of the Warner Mesa. In addition to the homes, a 3.2 acre site located along Los Patos Road within the development will be protected as the Los Patos Wetland and Southern Tarplant environmentally sensitive habitat area (ESHA). Another 34.2 acres will be restored as a coastal sage scrub and native grassland community. All streets and entrance points to the community will be public, allowing open access to a public trail leading to the lower mesa and wetlands for recreational activities such as hiking and bird watching.

The developer will establish covenants, conditions and restrictions (CC&R's), or an equivalent thereof, for the proposed residential lots to address ownership and management of all trails, parks, habitat restoration and preserve areas, and shared landscaped spaces. For further detail, an extensive review of the project was performed by the California Coastal Commission, and is described in their Staff Report dated April 14, 2005. With the CDP in place, this study treats the development in its proposed state as the final product.

Annexation Policies

Annexation Procedures and Policies

In Orange County, the state-mandated Local Agency Formation Commission (LAFCO) has created an Unincorporated Islands Program with the collaboration of the County of Orange and the League of Cities. The intent of the program is to assist in the transition of unincorporated portions, or "islands" from County to city jurisdiction. These agencies have established that the County's primary role is to provide regional services such as courts, social services, health care, flood control, and housing. Cities can provide local services, such as police and fire protection, street maintenance, and code enforcement.

Although the County may continue to provide many local governmental services to unincorporated areas, having surrounding cities provide them directly is often more efficient and cost-effective. The Bolsa Chica is an unincorporated portion of land surrounded by the Pacific Ocean to the west, and the City of Huntington Beach in all other directions. Given that the Warner Mesa is immediately adjacent to incorporated territory in the City, annexation has been considered on several occasions, particularly with regards to potential development.

Annexation is often proposed to take place prior to development in order to ensure that municipal services are in place. Annexation at this time provides continuity of services, as well as assurances to the annexing city that development revenues will accrue solely to that city.

Two primary components in annexation are the concerns of the land owners and the consistency of annexation with the affected city's General Plan. The City of Huntington Beach has incorporated policies for annexation in their General Plan, which are discussed in great detail later in the Study. Hearthside Homes is currently the sole owner of all parcels in the Bolsa Chica Warner Mesa, making the decision to annex prior to development limited to the developer, City, County, and LAFCO. If development was to occur, and residents purchased units prior to annexation, the new inhabitants would be eligible to vote on the issue.

Role of LAFCO

The Local Agency Formation Commission was established by the State legislature in 1963 to oversee the jurisdictional boundary process for local governments and the formation of new jurisdictions. Until the early 1990's, the role of LAFCO was limited to its authority to approve or deny jurisdictional annexations, detachments, formations, and other changes of organization related to jurisdictional boundaries. Recent legislation has given added authority to LAFCO to initiate local government consolidations, and has mandated that LAFCO review and approve or deny proposals for the extension of contract services outside of any agency's jurisdictional boundaries.

The applicable law governing city annexation proceedings is found in the California Government Code, Sections 56000 et. seq., also known as the

Cortese-Knox-Hertzberg Local Government Reorganization Act. An uninhabited annexation may be initiated by resolution of any affected city, county, district, or by petition of the landowner. Once a complete application for annexation has been received by LAFCO, the staff will prepare an analysis of the proposal for annexation and make recommendations to the Commission. In the case of an unincorporated "island" annexation such as this, if only a portion of the island is proposed for annexation, LAFCO staff will nonetheless review the feasibility of annexation of the island in its entirety. The Commission has the authority to amend the annexation to include a larger region than initially proposed, and would consider recommendations from their staff.

In the case of the Bolsa Chica unincorporated island, it is possible that LAFCO will request the entire area be annexed, not just the Warner Mesa. The State Lands Commission, the County of Orange, and the Ocean View School District currently own the majority of the Bolsa Chica property. Annexation would require the review of prior agreements and likely new negotiations for the provision and funding of services between the land holders and the City. Though there are currently no plans to develop the remaining land, certain responsibilities, such as public safety will fall to the City and costs will be accrued.

Huntington Beach Sphere of Influence

Local Agency Formation Commissions act in both regulatory and planning capacities. While annexations are a regulatory act, LAFCO's major planning task is the establishment of a "sphere of influence" for the various governmental bodies within their jurisdictions. Under the Cortese-Knox-Hertzberg Act, the sphere is to be a "plan for the probable physical boundaries and service area of a local government agency". The sphere of influence is an important tool because it guides LAFCO officials and local decision makers to recognize that the city may wish to incorporate the land within the sphere in the future.

The proposed Brightwater development is within the sphere of influence of the City of Huntington Beach. The development proposes single family units adjacent to existing single family residential land uses, and is contiguous to corporate boundaries of the City. The location and proposed land use of the project is compatible with the General Plan annexation requirements as described below.

The City's General Plan Annexation Goal mirrors LAFCO's policy of rational expansion, as do the Objective and Policies in the Land Use Element.

Goal LU 3

"Achieve the logical, orderly, and beneficial expansion of the City's services and jurisdictional limits."

Furthermore, Policy LU 3.1.6

"Consider creating a policy directing the City to consider annexation of the Bolsa Chica area (prior to development) to link future development with the City's infrastructure."

Thus, the General Plan specifically includes consideration for the expansion of City boundaries into the Bolsa Chica, an administrative advantage if Huntington Beach agrees to annex the Warner Mesa.