City of Huntington Beach Planning & Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning & Building
BY: Jennifer Villasenor, Associate Planner
DATE: April 13, 2010

SUBJECT: **GENERAL PLAN AMENDMENT NO. 08-011, ZONING MAP AMENDMENT NO. 08-007, LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002, ZONING TEXT AMENDMENT NO. 09-008, TENTATIVE TRACT MAP NO. 17294, COASTAL DEVELOPMENT PERMIT NO. 09-022, CONDITIONAL USE PERMIT NO. 08-046; DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-016 (THE RIDGE 22-UNIT PLANNED UNIT DEVELOPMENT)**

APPLICANT: Ed Mountford, Hearthside Homes, 6 Executive Circle, Suite 250, Irvine, CA 92614

PROPERTY OWNER: Signal Landmark, 6 Executive Circle, Suite 250, Irvine, CA 92614

LOCATION: **17202 BOLSA CHICA STREET (5-ACRE SITE SOUTHEAST OF THE INTERSECTION OF BOLSA CHICA STREET AND LOS PATOS AVENUE)**

PROJECT REQUEST AND SPECIAL CONSIDERATIONS:

The applicant, Hearthside Homes, is requesting to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The project consists of the following entitlement requests:

- General Plan Amendment: to amend the Land Use Designation from Open Space – Park (OS-P) to Residential Low Density (RL);
- Local Coastal Program Amendment: to amend the certified Land Use Plan from Open Space – Park (OS-P) to Residential Low Density (RL) and to reflect the Zoning Map and Text Amendments described below;
- Zoning Map Amendment: to amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ);
- Zoning Text Amendment: to amend Chapter 210.12 – *PUD Supplemental Standards and Provisions* to allow flexibility in accommodating the total number of required parking spaces within a PUD development;
- Tentative Tract Map: to subdivide the approximately 5-acre lot into 22 single-family residential parcels and nine lettered lots;
- Coastal Development Permit: to subdivide the subject property and construct 22 single-family residences, common open space and associated infrastructure in the coastal zone;

- Conditional Use Permit: to permit construction on a site with greater than a three-foot grade differential; and
- Mitigated Negative Declaration: to analyze the potential environmental impacts associated with the project and legislative amendments.

The applicant, as part of the public benefit for the PUD development, is also proposing to improve an existing 30-foot wide City-owned parcel north of the project site to enhance public coastal access. The City-owned parcel extends from Bolsa Chica Street to the eastern boundary of the subject property. The improvement would provide enhanced access from Bolsa Chica Street to an existing informal trail on the adjacent Shea property to the east that ultimately connects to the Bolsa Chica wetlands.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS:

The approximately 5-acre site is generally located at the southeast corner of Bolsa Chica Street and Los Patos Avenue. Historically, the site has been used periodically over the years for agricultural purposes, but has not been used for agriculture in approximately 5 years. The site is currently undeveloped, except for an area in the southwest portion of the property that was previously utilized as temporary construction headquarters for the adjacent Brightwater Development.

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	OS-P (Open Space – Parks)	RA-CZ (Residential Agricultural - Coastal Zone)	Undeveloped; construction staging area (portion)
North of Subject Property:	RMH-25 (Residential Medium High Density – 25 du/ac)	RMH (Residential Medium High Density)	Multi-family Residential
East of Subject Property:	OS-C (Open Space – Conservation)	RA-CZ*	Undeveloped (Shea property – approved for single-family and open space uses)
South of Subject Property:	Suburban Residential – 0.5 – 18.0 du/ac – County of Orange)	PC (Planned Community – County of Orange)**	Undeveloped (Goodell property)
West of Subject Property (across Bolsa Chica Street):	RL-7 (Residential Low Density – 7 du/ac); Undesignated – (Brightwater Specific Plan)	RL-CZ (Residential Low Density – Coastal Zone); SP15-CZ – (Brightwater Specific Plan – Coastal Zone)	Single-family Residential (Brightwater and Sandover developments)

* The City approved a zoning map amendment to change the current zoning designations to CC – Coastal Conservation to be consistent with the Land Use Plan. The City's approval has been submitted to the California Coastal Commission for approval as LCPA No. 1-09.

**The City recently approved the pre-zoning and annexation of the Goodell property south of the subje property. Pre-zoning designations include low density residential and open space recreation and conservatio.

areas. General Plan and Local Coastal Program amendments must be approved by the City and certified by the Coastal Commission to establish land use designations in order for the zoning designations to become effective.

APPLICATION PROCESS AND TIMELINES:

DATE OF COMPLETE APPLICATION:

- Draft MND; General Plan Amendment; Local Coastal Program Amendment; Tentative Tract Map; Coastal Development Permit; Conditional Use Permit; Zoning Text Amendment: March 2, 2010

MANDATORY PROCESSING DATE(S):

Draft MND: Within 180 days of complete application – August 29, 2010

All others: Within 60 days of adoption of MND – October 28, 2010

CEQA ANALYSIS/REVIEW:

On September 2, 2009, the Environmental Assessment Committee (EAC) approved the processing of a mitigated negative declaration for the project. The draft MND concluded that the project would not have significant environmental impacts with incorporation of recommended mitigation measures that were identified for potential impacts to cultural resources. The EAC determination was subsequently appealed to the Planning Commission. On November 10, 2009 the Planning Commission upheld the EAC determination and voted to continue processing a mitigated negative declaration for the project. Concurrent with the processing of the appeal, a 30-day public comment period on draft MND No. 08-016 commenced on September 10, 2009 and concluded on October 9, 2009. The Planning Department received 19 comment letters during the comment period. The most common comments were in the areas of land use, cultural resources and biological resources.

Subsequent to the comment period and in light of the discussion that occurred during the Planning Commission appeal hearing, a biological resources assessment was prepared for the project. Based on the information contained in the biological resources assessment, revisions to the draft MND were made including the addition of new mitigation measures in the biological resources impact area. These changes resulted in a requirement to recirculate the draft MND in accordance with the provisions of CEQA. Recirculated Draft MND No. 08-016 was made available for a 30-day public review period from March 4, 2010 to April 2, 2010. All comments received on Draft MND No. 08-016 and Recirculated Draft MND No. 08-016 are included as Attachments 4 and 5 to this report. Staff will prepare responses to all comments received during both comment periods and make the responses available to the public prior to the Planning Commission public hearing on the project.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES:

The Departments of Planning and Building, Fire, Public Works, and Community Services have reviewed the application and identified applicable code requirements (Attachment No. 6).

PUBLIC MEETINGS, COMMENTS AND CONCERNS:

Several public meetings have occurred with respect to the proposed project. Two EAC meetings and one Planning Commission public hearing regarding the environmental review process have been held for the proposed project. In addition, the project was reviewed by the Design Review Board (DRB) on January

14, 2010. A copy of the DRB recommendations is included in Attachment No. 7. The Subdivision Committee reviewed and conditionally approved the proposed tentative tract map for the project on January 28, 2010. A copy of the Subdivision Committee minutes is provided as Attachment No. 8.

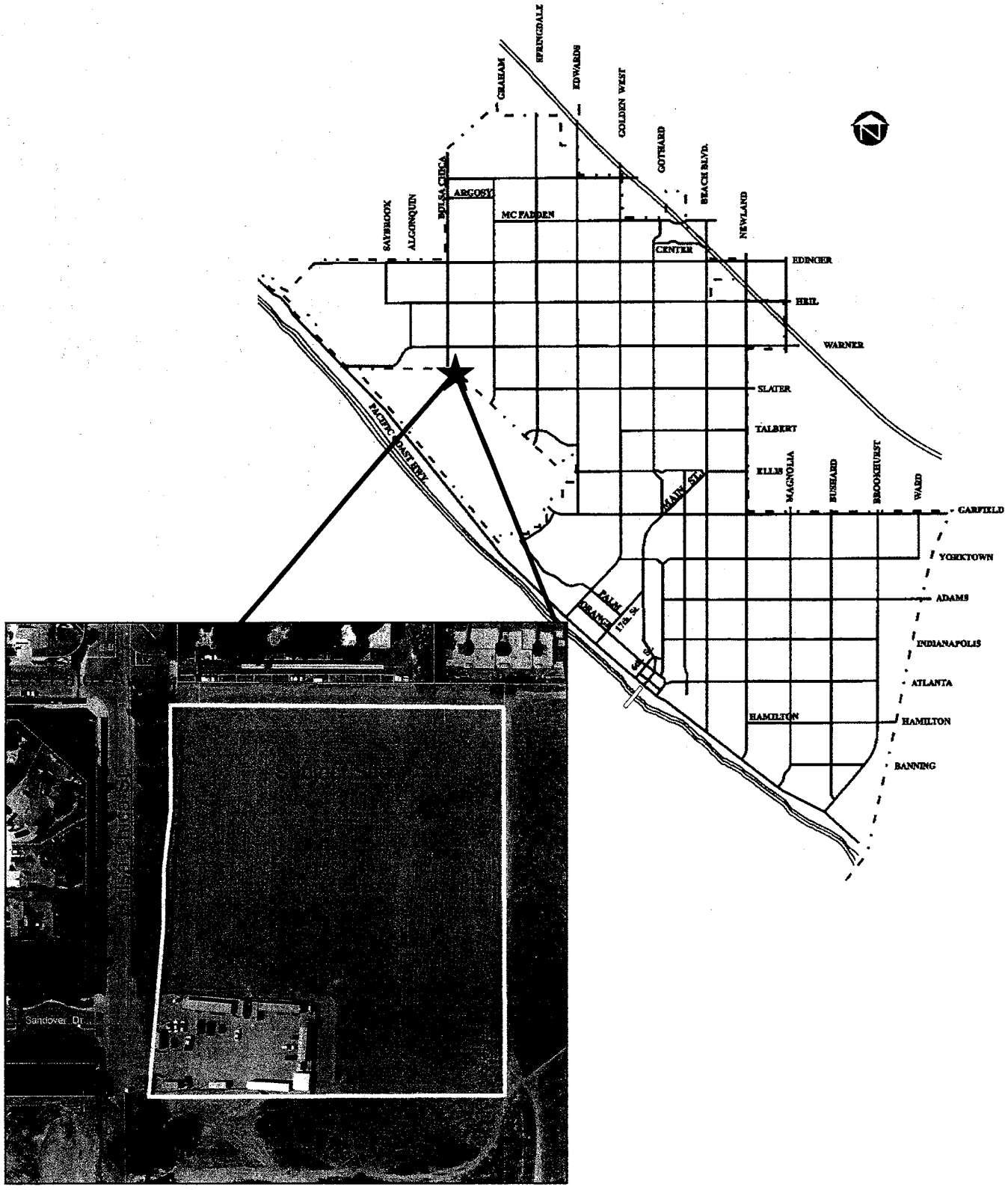
PLANNING ISSUES:

The primary issues for the Planning Commission to consider for the proposed project are:

- The proposed amendments to change the General Plan and Coastal land use designations from Open Space – Parks to Residential Low Density;
- The proposed zone change from Residential Agricultural to Residential Low Density;
- Land use compatibility of the proposed 22-unit single-family residential project with the surrounding properties;
- The environmental impacts associated with the proposed project as analyzed in Recirculated Draft MND No. 08-016;
- Compliance of the proposed 22-unit project with provisions of the HBZSO, Subdivision Map Act and California Coastal Act; and
- The proposed text changes to Chapter 210.12 – *PUD Supplemental Standards and Provisions* regarding tandem parking allowances for PUD developments.

ATTACHMENTS:

1. Vicinity Map
2. Project Narrative dated & received, March 10, 2009
3. Site plans, floor plans and building elevations dated & received, May 4, 2009
4. Draft MND No. 08-016 comments
5. Recirculated draft MND No. 08-016 comments
6. Code Requirements Letter (for informational purposes only), dated June 3, 2009
7. Design Review Board Notice of Action with recommendations, dated January 14, 2010
8. Subdivision Committee minutes dated January 28, 2010
9. Recirculated Draft Mitigated Negative Declaration No. 08-016
10. Legislative draft Zoning Text Amendment No. 09-008



VICINITY MAP
THE "RIDGE" – 22-UNIT PLANNED UNIT DEVELOPMENT
GENERAL PLAN AMENDMENT NO. 08-011, ZONING MAP AMENDMENT NO. 08-007, LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002, ZONING TEXT AMENDMENT NO. 09-008, TENTATIVE TRACT MAP NO. 17294, COASTAL DEVELOPMENT PERMIT NO. 09-022, CONDITIONAL USE PERMIT NO. 08-046; DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-016

ATTACHMENT NO. 1

1.3 Proposed Project

The Ridge is a 22-lot, single-family detached, Project that is designed to be the City's first "green" residential neighborhood. Green features include the integration of solar panels into the roofing of the homes, and the fact that the homes will all be Energy Star-rated. Permeable pavers will be used for the streets and driveways, an innovative storm drain system will capture low-volume flows and allow the runoff to percolate into the ground, and drought-tolerant landscaping will be planted in common areas of the community.

The residential lots are a mix of minimum 5,000- and 6,000-square-foot lots. There are nine lots less than 6,000 square feet – that range in size from 5,114 to 5,903 square feet – and 13 lots over 6,000 square feet that range from 6,047 to 12,250 square feet. The homes are redesigned versions of the Cliffs and Breakers homes from Hearthside's Brightwater Community to the west. Nine of the lots are Cliffs and 13 lots are Breakers. The Cliffs homes range in size from approximately 2,700 to 3,500 square feet; the Breakers range from approximately 3,000 to 4,200 square feet.

The Ridge will take access from a single point of ingress/egress along Bolsa Chica Street. When the extension of Bolsa Chica Street south of Los Patos was constructed in 2006 to serve the Brightwater Community, the sewer, domestic water, and storm drain improvements were designed to also serve The Ridge development. As a result, sewer (8"), water (8"), and storm drain (24") are all available in Bolsa Chica Street adjacent to the Project.

Dry-weather nuisance flows and first-flush storm flows will be directed to a CDS unit located in a catch basin and then flow into three large-diameter perforated pipes that will be located below grade in the neighborhood park and serve as an infiltration system where captured water will be allowed to percolate into the ground. Large-volume storm flows will be directed to the storm drain in Bolsa Chica Street (a private storm drain system constructed for the Brightwater development) and will ultimately flow into a concrete vault containing media filters that remove pollutants before discharging into the lowland south of Brightwater.

A neighborhood park will be located in the central portion of The Ridge. The park will contain 5,776 square feet (.13 acre) and be improved with turf, trees, benches, and possibly tot lot equipment.

Rough grading for the Project will be accomplished in one phase. Finished pad grades on the west side of the Project adjacent to Bolsa Chica Street will remain relatively the same as the existing elevation. The eastern portion of the site adjacent to the Shea property will be raised from three to nine feet over existing elevations. Earthwork quantities include approximately 4,200 cubic yards of cut and 10,700 cubic yards of fill, requiring an import of approximately 6,500 cubic yards.

1.2 Current General Plan and Zoning Designations

The Ridge Project Site is currently designated as Open Space – Park (OS-P) in the City's General Plan. The current zoning is Residential Agriculture (RA). A General Plan Amendment is proposed to change the General Plan Designation from Open Space – Park to Residential Low Density. A Zone Change is proposed to change the zoning from Residential Agriculture to Residential Low Density (RL). An amendment to the City's Local Coastal Program reflecting the proposed changes to the General Plan and Zoning will be necessary.

ATTACHMENT NO. 2.2

Villasenor, Jennifer

From: Ed Mountford [emountford@hearthside-homes.com]

Sent: Wednesday, August 19, 2009 12:03 PM

To: Villasenor, Jennifer

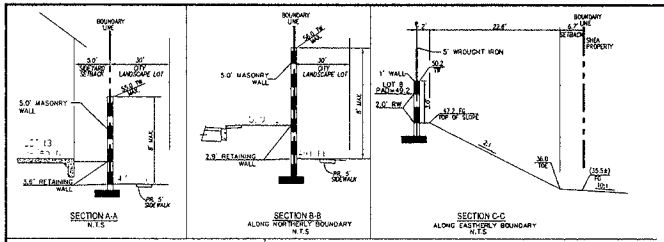
Subject: Zoning Text Amendment

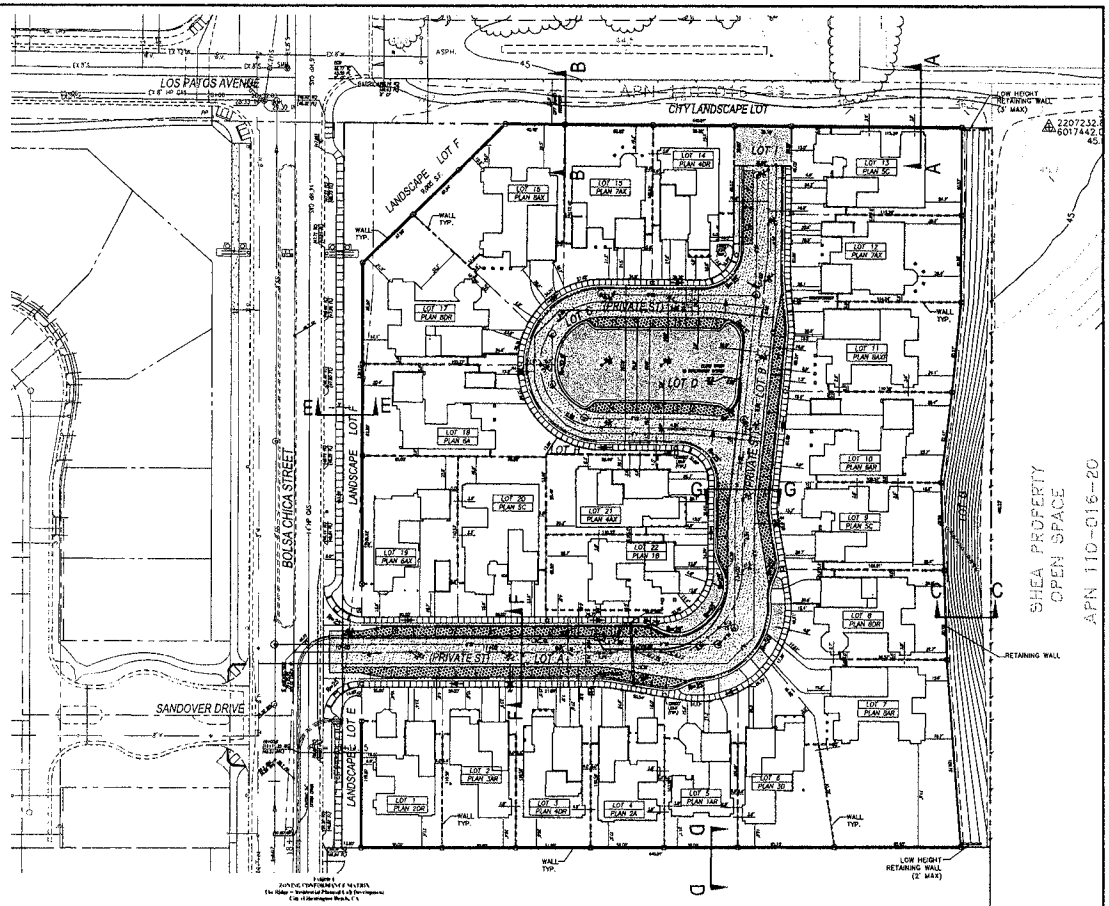
Hi Jennifer;
In order to allow 5 bedroom homes in a PUD to have a two door garage with the third garage space being a tandem space, I would suggest the following modifications to PUD Supplemental Standards and Provisions 210.12 B. Project Design #4. The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location will be accessible and useful in connection with the proposed dwelling units of the development:

a. Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14.
b. Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required spaces is provided within the development site.

Thank you for your consideration of this request.

ATTACHMENT NO. 2.3



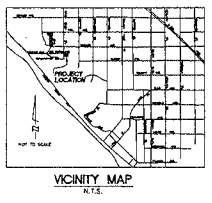


LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- RETAINING/GLASS WALL
- SIDEYARD WALL
- LOW RETAINING WALL
- RIGHT OF WAY
- SLOPE
- PERVIOUS CONCRETE PAVERS
- NON-PERVIOUS CONCRETE PAVERS
- ADA PATH OF TRAVEL
- FIRE HYDRANT
- STREET LIGHT

NOTES

1) EXISTING LAND USE: RESIDENTIAL - VACANT
2) PROPOSED LAND USE: RESIDENTIAL - SINGLE FAMILY
3) FUTURE DEVELOPMENT OF PROJECT AREA SHALL BE SUBJECT TO THE REQUIREMENTS OF THE CITY OF HUNTINGTON BEACH LOCAL COASTAL PROGRAM.
4) EXISTING ZONING: (R-1), PROPOSED ZONING: (R-1)
5) ADJACENT LAND USE:
   NORTH: RESIDENTIAL
   SOUTH: VACANT
   EAST: VACANT
   WEST: RESIDENTIAL
6) SANITARY SERVICES PROVIDED BY: CITY OF HUNTINGTON BEACH.
7) DOMESTIC WATER SERVICE PROVIDED BY: CITY OF HUNTINGTON BEACH.
8) ALL UTILITIES ARE EXISTING UNDERGROUND.
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: SOUTHERN CALIFORNIA EDISON
   TELEPHONE: VERIZON
   CABLE TELEVISION: TIME WARNER
9) PROJECT SITE IS WITHIN THE OCSAN WCP SCHOOL DISTRICT, AND HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT.
10) STREET IMPROVEMENTS SHOWN HEREON SHALL MEET THE REQUIREMENTS OF THE CITY OF HUNTINGTON BEACH, EXCEPT FOR DEVIATIONS AS SHOWN.
11) ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE NOTED.
12) STORM FLOWS TRIBUTARY FROM THE SITE SHALL BE CONVEYED FROM THE SITE VIA THE STORM DRAIN SYSTEM SHOWN FOR TRACT 17032.
13) ACCESS TO THE SITE IS PROPOSED VIA: BOLSA CHICA STREET.
14) LANDSCAPE EASEMENTS ARE PRIVATE AND WILL BE MAINTAINED BY THE HOA MAINTENANCE CORPORATION ESTABLISHED FOR THE BENEFIT OF THE PROPERTY OWNERS.
15) PUBLIC EASEMENTS FOR SIDEWALK PURPOSES WILL BE REFLECTED ON THE FINAL TRACT MAP.
16) ESTIMATED EARTHWORK:
   CUT: 4,000 cy
   FILL: 10,700 cy
   IMPORT: 6,500 cy
17) LANDSCAPING WITHIN PARCELS A, B, C, D, E, F & I WILL BE MAINTAINED BY THE HOA MAINTENANCE CORPORATION ESTABLISHED FOR THE BENEFIT OF THE PROPERTY OWNERS.
18) NO DEDICATION OF PUBLIC AREAS ARE PROPOSED.
19) PROPOSED UTILITY LOCATIONS AND EASEMENTS ARE APPROXIMATE. ACTUAL LOCATIONS AND EASEMENT WIDTHS WILL BE REFLECTED ON THE FINAL MAPS.
20) TREES TO BE PLANTED ARE SHOWN ON THE CONCEPTUAL TREE LAYOUT PREPARED BY FORMA.



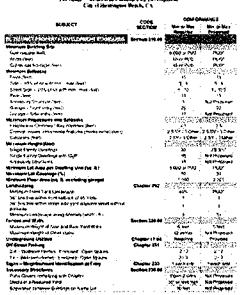
VICINITY MAP
N.T.S.

LOT MATRIX FOR PLANS 1-4 (9 DU)

LOT NO.	PLAN TYPE								LOT AREA	LOT COVERAGE
	1A	1B	2A	2D	3A	3D	4AX	4D	(SQ. FT.)	
1				2D					6,078	0.37
2					3A				5,526	0.36
3								4D	5,679	0.39
4			2A						5,582	0.41
5	1A								5,114	0.40
6						3D			6,382	0.34
7								4D	5,707	0.47
8							4AX		6,042	0.41
9		1B							5,900	0.37
TOTAL	1	1	1	1	1	1	1	2	51,604	-

LOT MATRIX FOR PLANS 5-8 (9DU)

LOT NO.	PLAN TYPE								LOT AREA	LOT COVERAGE
	5C	6A	6AX	7AX	8A	8AX	8D		(SQ. FT.)	
1					8A				12,420	0.42
2							8D		6,120	0.42
9	5C								6,953	0.48
10		6A							5,801	0.33
11						8AX			5,669	0.40
12				7AX					6,815	0.17
13	5C								6,817	0.46
15				7AX					5,417	0.42
16						8AX			8,707	0.37
17							8D		7,837	0.14
18		6A							7,724	0.31
19			6AX						7,130	0.41
20	5C								6,552	0.48
TOTAL	3	2	1	2	1	2	2		94,432	-



ECORELL PROPERTY APN 110-016-18
N.A.P.

RECORD OWNER AND SUBDIVIDER

SIGNAL LANDMARK
6 EXECUTIVE CIRCLE, Ste 250
IRVINE, CA 92614
(949) 250-7700

APPLICANT

HEARTHSIDE HOMES
6 EXECUTIVE CIRCLE, SUITE 250
IRVINE, CA 92614
(949) 250-7700

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

NO.	DATE	REVISIONS

PREPARED UNDER THE SUPERVISION OF:
STANTEC CONSULTING INC.
19 TECHNOLOGY DRIVE
IRVINE, CA 92618
(949) 923-6000
ROBERT J. HAN RCE 42549 EXP. 03/31/10 DATE

CITY OF HUNTINGTON BEACH
DEPARTMENT OF PUBLIC WORKS

HEARTHSIDE HOMES

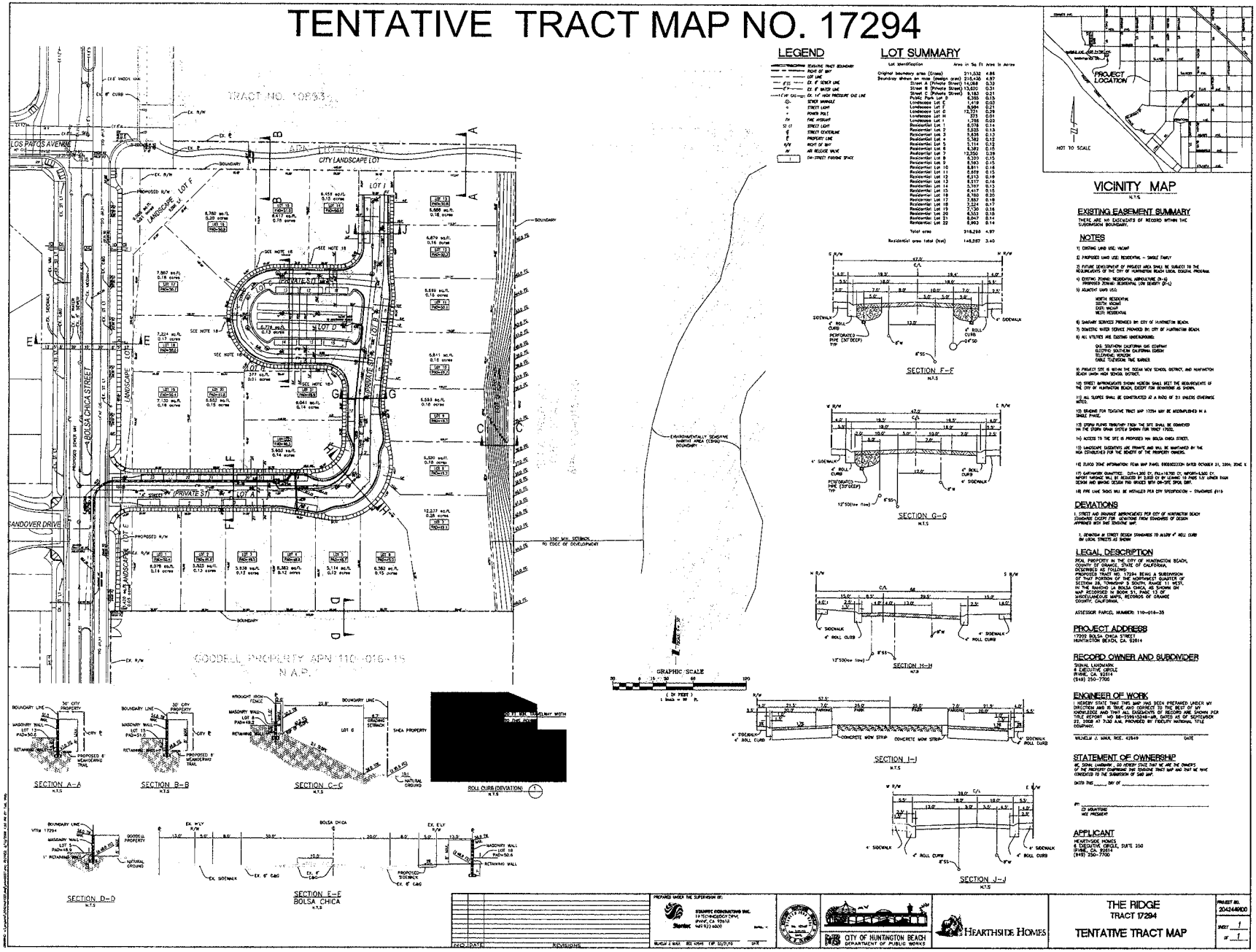
THE RIDGE
TRACT 17294

SITE PLAN

PROJECT NO. 2042449100
SHEET 1 OF 1

ATTACHMENT NO. 3.1

TENTATIVE TRACT MAP NO. 17294



LEGEND

EXISTING TRACT BOUNDARY
RIGHT OF WAY
LOT LINE
EX. 8" SEWER LINE
EX. 8" WATER LINE
EX. 14" HIGH PRESSURE GAS LINE
SEWER MANHOLE
STREET LIGHT
POWER POLE
FIRE HYDRANT
STREET LIGHT
STREET CENTERLINE
PROPERTY LINE
RIGHT OF WAY
AIR RELEASE VALVE
ON-STREET PARKING SPACE

LOT SUMMARY

Lot Identification	Area in Sq Ft	Area in Acres
Original boundary area (Gross)	211,532	4.86
Boundary shows an area (exclusive area)	215,438	4.97
Street A (Private Street)	14,068	0.32
Street B (Private Street)	13,620	0.31
Street C (Private Street)	9,183	0.21
Public Park Lot G	6,285	0.15
Landscape Lot E	1,419	0.03
Landscape Lot F	8,984	0.21
Landscape Lot G	12,731	0.29
Landscape Lot H	573	0.01
Landscape Lot I	1,398	0.03
Residential Lot 1	5,078	0.12
Residential Lot 2	5,078	0.12
Residential Lot 3	5,635	0.13
Residential Lot 4	5,743	0.13
Residential Lot 5	5,114	0.12
Residential Lot 6	6,982	0.16
Residential Lot 7	12,550	0.29
Residential Lot 8	6,339	0.15
Residential Lot 9	6,540	0.15
Residential Lot 10	6,811	0.16
Residential Lot 11	6,609	0.15
Residential Lot 12	6,013	0.14
Residential Lot 13	6,517	0.15
Residential Lot 14	6,417	0.15
Residential Lot 15	6,417	0.15
Residential Lot 16	8,760	0.20
Residential Lot 17	7,887	0.18
Residential Lot 18	7,224	0.17
Residential Lot 19	7,130	0.16
Residential Lot 20	6,553	0.15
Residential Lot 21	6,047	0.14
Remainder Lot 22	8,963	0.14
Total area	316,298	4.97
Residential area total (lots)	148,287	3.40

VICINITY MAP

N.T.S.

EXISTING EASEMENT SUMMARY

THERE ARE NO EASEMENTS OF RECORD WITHIN THE SUBDIVISION BOUNDARY.

NOTES

1) EXISTING LAND USE: VACANT
2) PROPOSED LAND USE: RESIDENTIAL – SINGLE FAMILY
3) FUTURE DEVELOPMENT OF PROJECT AREA SHALL BE SUBJECT TO THE REQUIREMENTS OF THE CITY OF HUNTINGTON BEACH LOCAL COASTAL PROGRAM.
4) EXISTING ZONING: RESIDENTIAL AGRICULTURE (R-A)
PROPOSED ZONING: RESIDENTIAL LOW DENSITY (R-1)
5) ADJACENT LAND USE:
NORTH: RESIDENTIAL
SOUTH: MOBILE
EAST: MOBILE
WEST: RESIDENTIAL
6) SANITARY SERVICES PROVIDED BY CITY OF HUNTINGTON BEACH.
7) DOMESTIC WATER SERVICE PROVIDED BY CITY OF HUNTINGTON BEACH.
8) ALL UTILITIES ARE EXISTING UNDERGROUND:
GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC: SOUTHERN CALIFORNIA EDISON
TELEPHONE: VERIZON
CABLE TELEVISION: TIME WARNER
9) PROJECT SITE IS WITHIN THE OCEAN VIEW SCHOOL DISTRICT, AND HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT.
10) STREET IMPROVEMENTS SHOWN HEREON SHALL MEET THE REQUIREMENTS OF THE CITY OF HUNTINGTON BEACH, EXCEPT FOR DEVIATIONS AS SHOWN.
11) ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE NOTED.
12) GRADING FOR TENTATIVE TRACT MAP 17294 MAY BE ACCOMPLISHED IN A SINGLE PHASE.
13) STORM FLOWS TRIBUTARY FROM THE SITE SHALL BE CONVEYED VIA THE STORM DRAIN SYSTEM SHOWN FOR TRACT 17032.
14) ACCESS TO THE SITE IS PROPOSED VIA BOLSA CHICA STREET.
15) LANDSCAPE EASEMENTS ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOA ESTABLISHED FOR THE BENEFIT OF THE PROPERTY OWNERS.
16) FLOOD ZONE INFORMATION FROM MAP PANEL 0060G0015H DATED OCTOBER 31, 2009; ZONE X
17) EARTHWORK QUANTITIES: CUT=1,305 CY, FILL=16,700 CY, IMPORT=15,400 CY.
EXPORT MATERIAL WILL BE REQUIRED AT 5,000 CY BY CLEARING 10 PADS 1.5' UNDER ROUGH GRADE AND BRIDGE GRADE PAD BRIDGES WITH ON-SITE SPOIL DIRT.
18) FIRE LANE SIGNS WILL BE INSTALLED PER CITY SPECIFICATION – STANDARD #915

DEVIATIONS

1. STREET AND DRAINAGE IMPROVEMENTS PER CITY OF HUNTINGTON BEACH STANDARDS EXCEPT FOR DEVIATIONS FROM STANDARDS OF DESIGN APPROVED WITH THIS TENTATIVE MAP.

2. DEVIATION IN STREET DESIGN STANDARDS TO ALLOW 4" ROLL CURB ON LOCAL STREETS AS SHOWN

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOT 1 OF TRACT NO. 17294, BEING A SUBDIVISION OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON MAP RECORDED IN BOOK 31, PAGE 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

ASSESSOR PARCEL NUMBER: 110-016-35

PROJECT ADDRESS

17209 BOLSA CHICA STREET
HUNTINGTON BEACH, CA 92814

RECORD OWNER AND SUBDIVIDER

SIGNAL LANDMARK
8 EXECUTIVE CIRCLE
IRVINE, CA 92614
(949) 250-7700

ENGINEER OF WORK

I HEREBY STATE THAT THIS MAP HAS BEEN PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT ALL EASEMENTS REQUIRED OF SURVEYING PER THE SUBDIVISION MAP ACT, AB 1414/SB 497, DATED AS OF SEPTEMBER 22, 2008 AT 7:30 AM, PROVIDED BY FIDELITY NATIONAL TITLE COMPANY.

WILHELM J. MAAS, RCE. 42849 DATE

STATEMENT OF OWNERSHIP

WE, SIGNAL LANDMARK, DO HEREBY STATE THAT WE ARE THE OWNERS OF THE PROPERTY CONTAINED IN THE TENTATIVE TRACT MAP AND THAT WE HAVE CONSENTED TO THE SUBMISSION OF SAID MAP.

DATED THIS _____ DAY OF _____

BY: _____
ITS: _____

APPLICANT

HEARTHSIDE HOMES
8 EXECUTIVE CIRCLE, SUITE 250
IRVINE, CA. 92614
(949) 250-7700

PREPARED UNDER THE SUPERVISION OF:
STANTEC CONSULTING INC.
17 TECHNOLOGY DRIVE
IRVINE, CA 92618
(949) 923-6000

CITY OF HUNTINGTON BEACH
DEPARTMENT OF PUBLIC WORKS

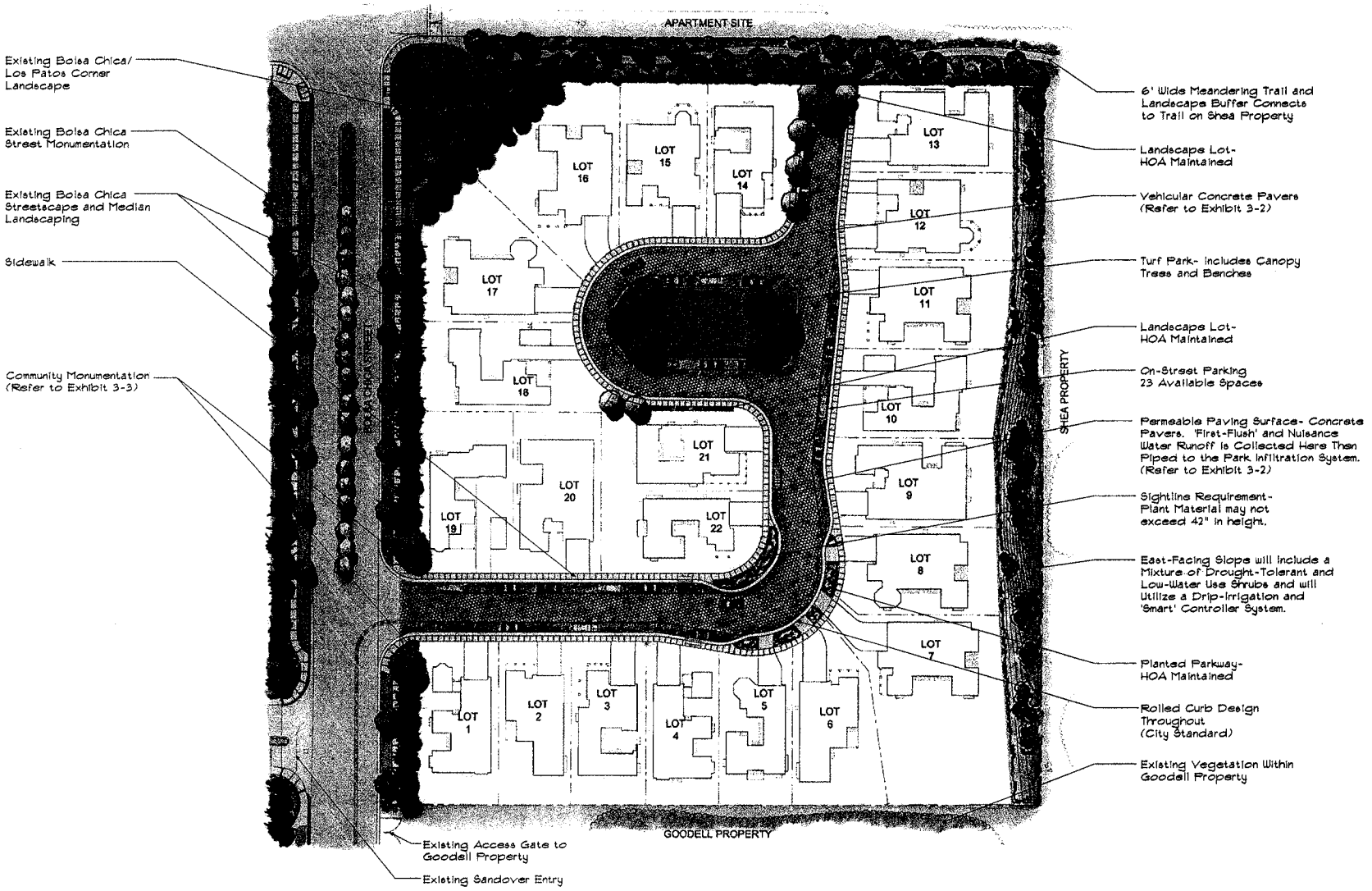
HEARTHSIDE HOMES

NO.	DATE	REVISIONS

THE RIDGE
TRACT 17294
TENTATIVE TRACT MAP

PROJECT NO. 2042440100
SHEET 1 OF 1

ATTACHMENT NO. 3.2



ATTACHMENT NO. 3.3

THE RIDGE
City of Huntington Beach

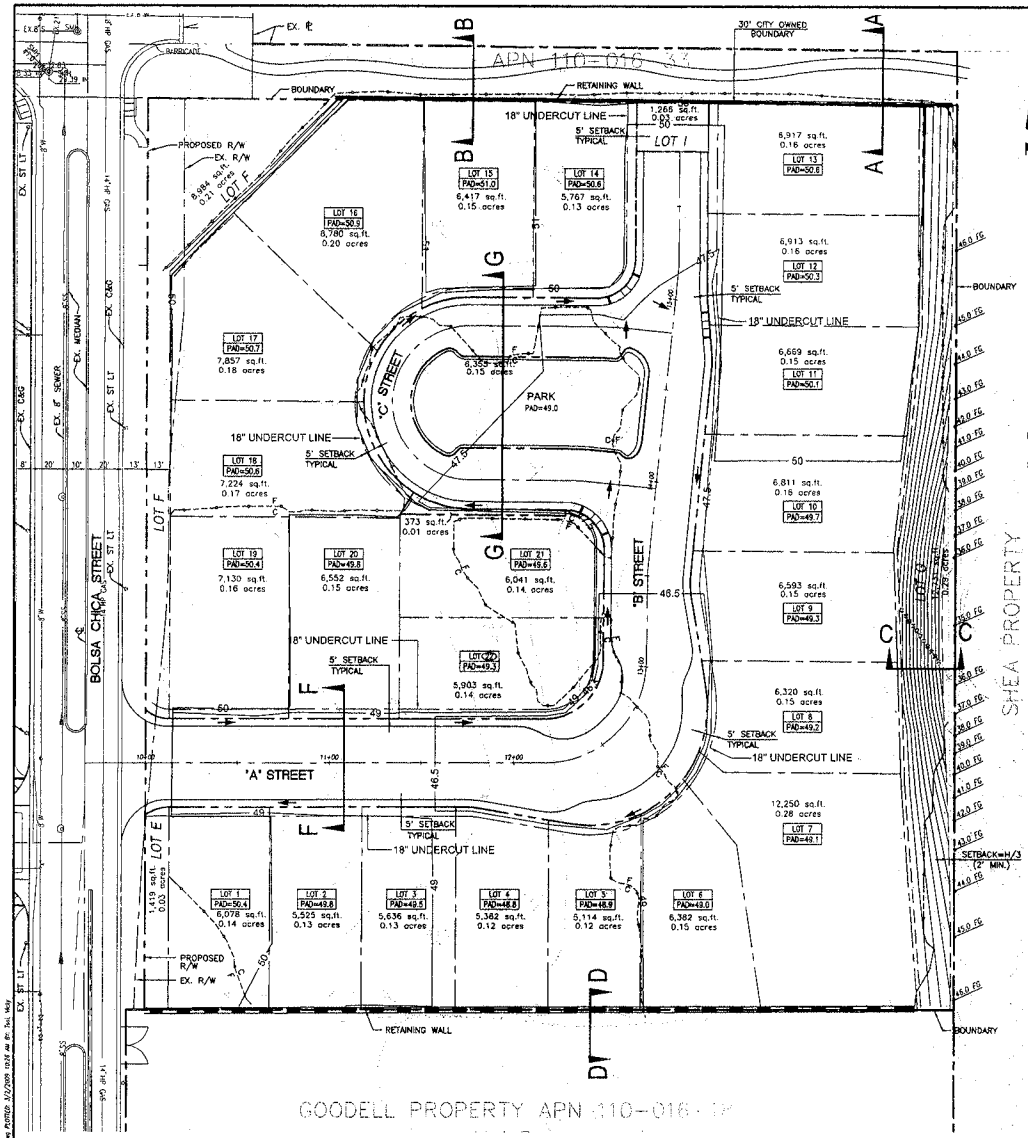
HEARTHSIDE HOMES

Exhibit 3-1
Landscape Concept and Features

NTS

BASSENIAN LAGONI

FORMA 2008-12-03



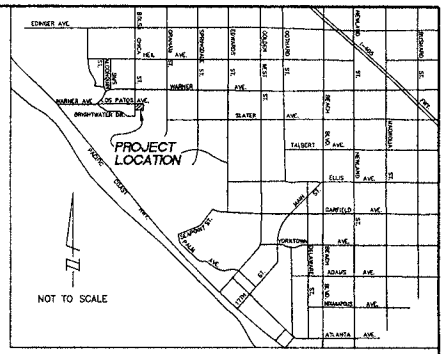
LEGEND

- TENTATIVE TRACT BOUNDARY
- R/W — RIGHT OF WAY
- LOT LINE
- ℄ — STREET CENTERLINE
- ℄ — PROPERTY LINE
- CUT / FILL LINE
- 50 — CONTOUR LINE
- RETAINING WALL
- ADA PATH OF TRAVEL

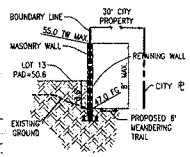
GRADING QUANTITIES

CUT = 4,200 CY
FILL = 10,700 CY
IMPORT = 6,500 CY

IMPORT YARDAGE WILL BE REDUCED BY 2,000 CY BY LEAVING 10 PADS 1.5' LOWER THAN DESIGN AND MAKING DESIGN PAD GRADES WITH ON-SITE SPOIL DIRT.



VICINITY MAP
N.T.S.



SECTION A-A
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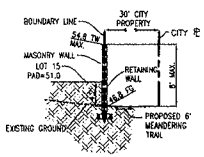
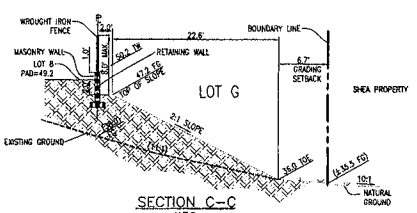


SECTION B-B
N.T.S



SECTION C-C
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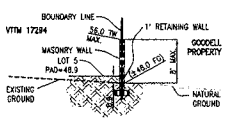
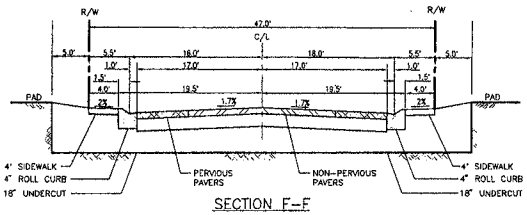
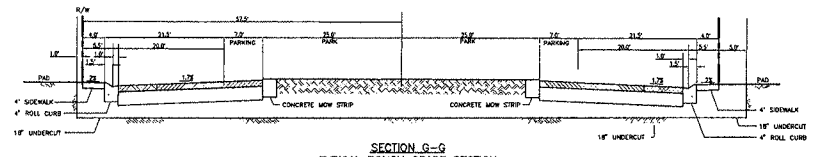


SECTION D-D
N.T.S



SECTION F-F
TYPICAL STREET SECTION
"A" & "B" STREET
(PUBLIC STREETS)
N.T.S



SECTION G-G
TYPICAL ROUGH GRADE SECTION
N.T.S

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

APPLICANT
HEARTHSIDE HOMES
6 EXECUTIVE CIRCLE, SUITE 250
IRVINE, CA. 92614
(949) 250-7700

NO.	DATE	REVISIONS

PREPARED UNDER THE SUPERVISION OF:
STANTEC CONSULTING INC.
19 TECHNOLOGY DRIVE
IRVINE, CA 92618
949.923.6000
WILHELM J. WAUL RCE 42549 EXP. 03/31/10 DATE

CITY OF HUNTINGTON BEACH
DEPARTMENT OF PUBLIC WORKS

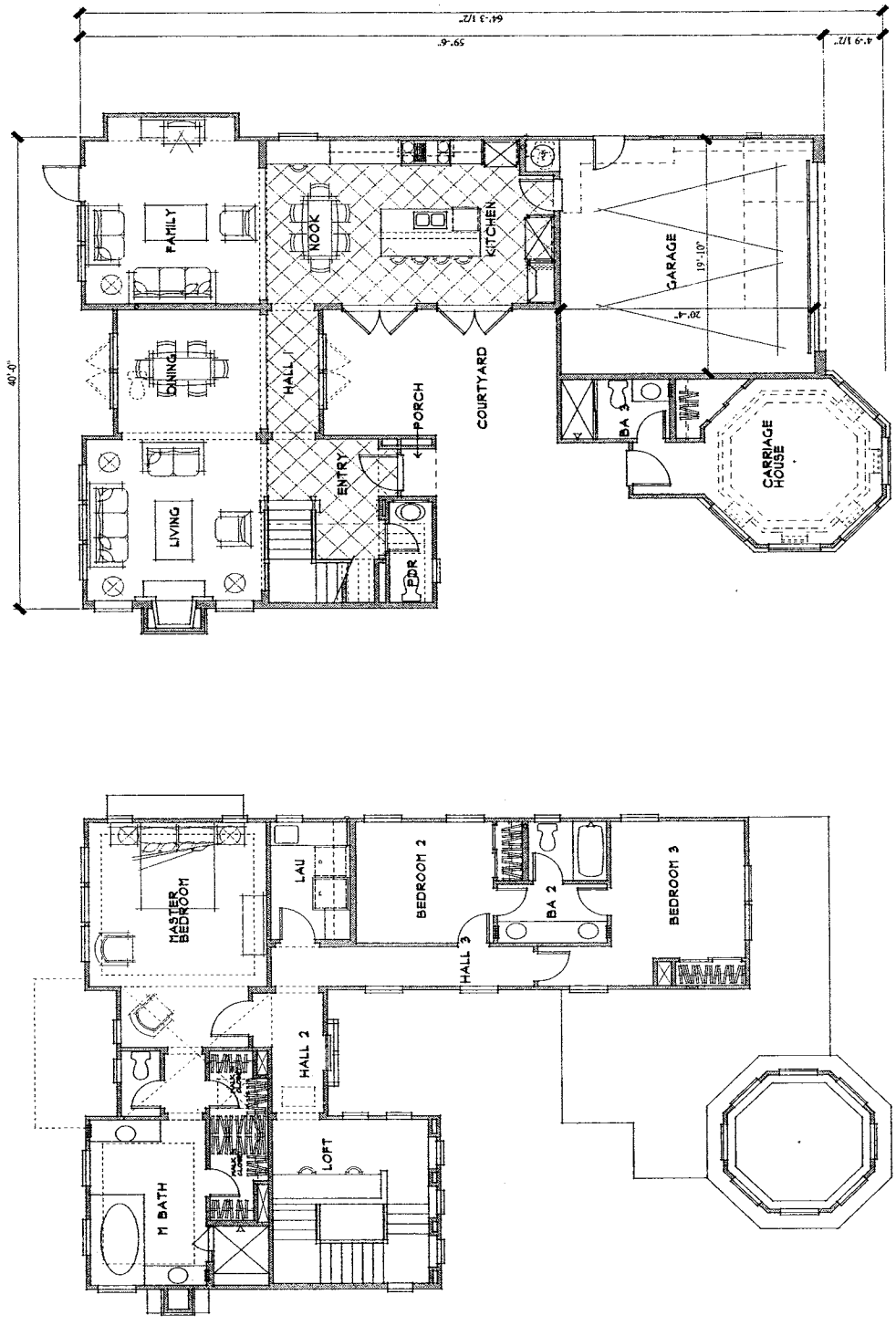
HEARTHSIDE HOMES

THE RIDGE
TRACT 17294

GRADING CONCEPT PLAN

PROJECT NO. 2042449100
SHEET 1 OF 1

ATTACHMENT NO. 3.4



PLAN 1A • 2,730 SQ. FT. •

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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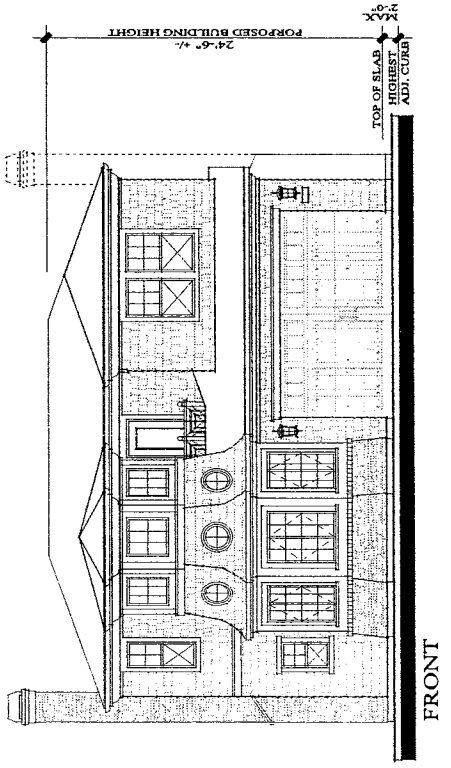
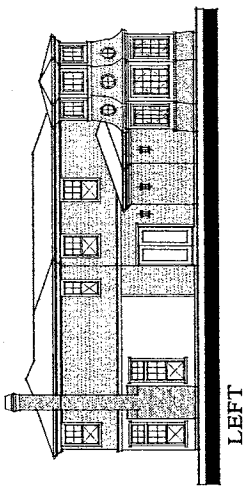
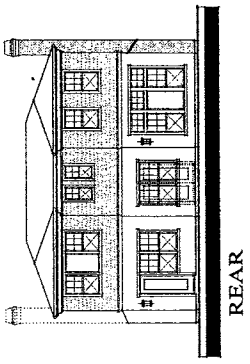
Exhibit 4-1

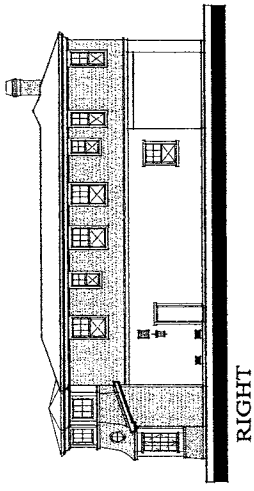
Plan 1A

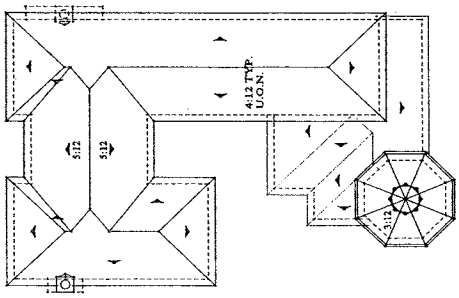
Floor Plans











ROOF PLAN

PLAN 1A

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-2
Plan 1
Elevations

THE RIDGE
City of Huntington Beach

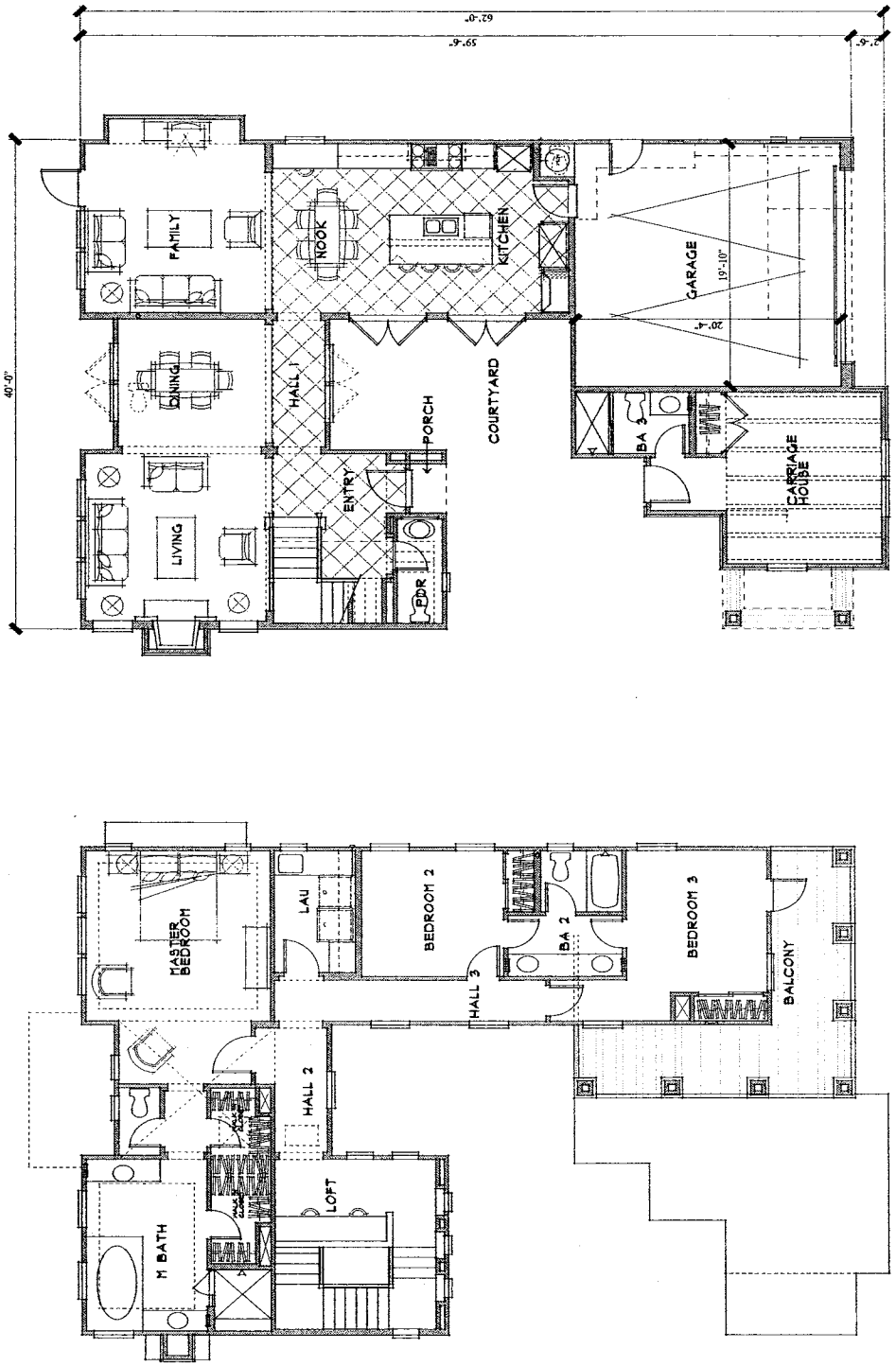
HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA
2009·03·07

NTS

ATTACHMENT NO. 3.6



PLAN 1B • 2,724 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-3

Plan 1B

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN

FORMA

2009-03-07

ATTACHMENT NO. 3.7

ROOF PLAN

PLAN 1B

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-4
Plan 1B
Elevations

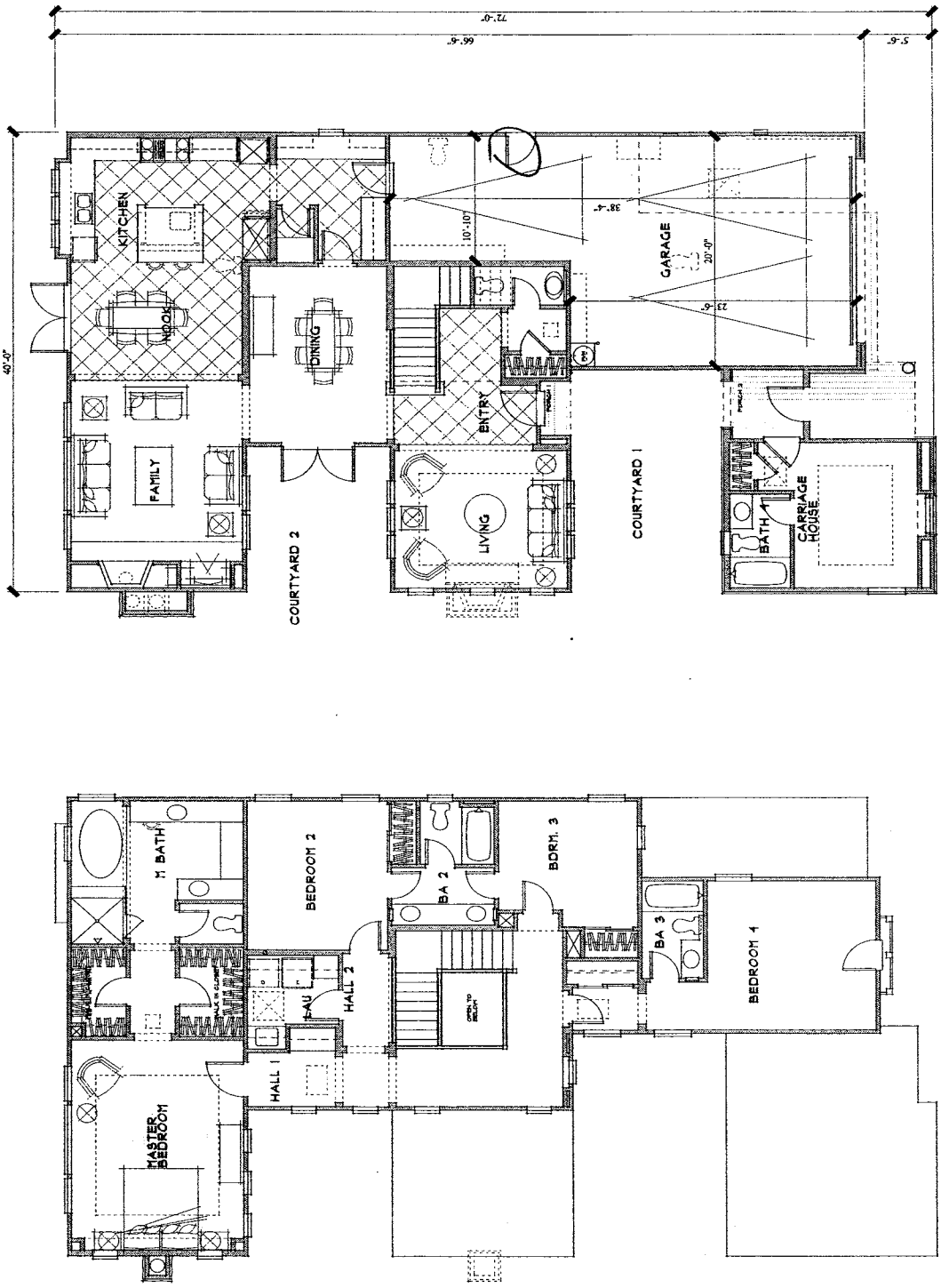
THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009-03-07

NTS ATTACHMENT NO. 3.8



PLAN 2A • 3,154 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-5

Plan 2A

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN

FORMA 2009-03-07

NTS

ATTACHMENT NO. 39

PLAN 2A

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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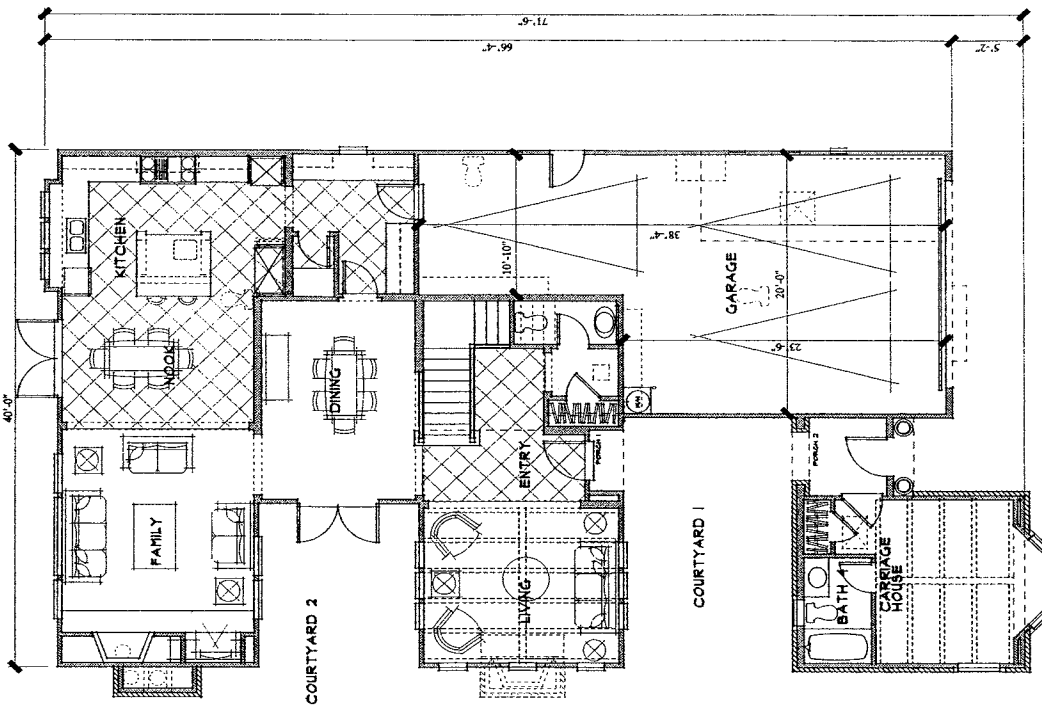
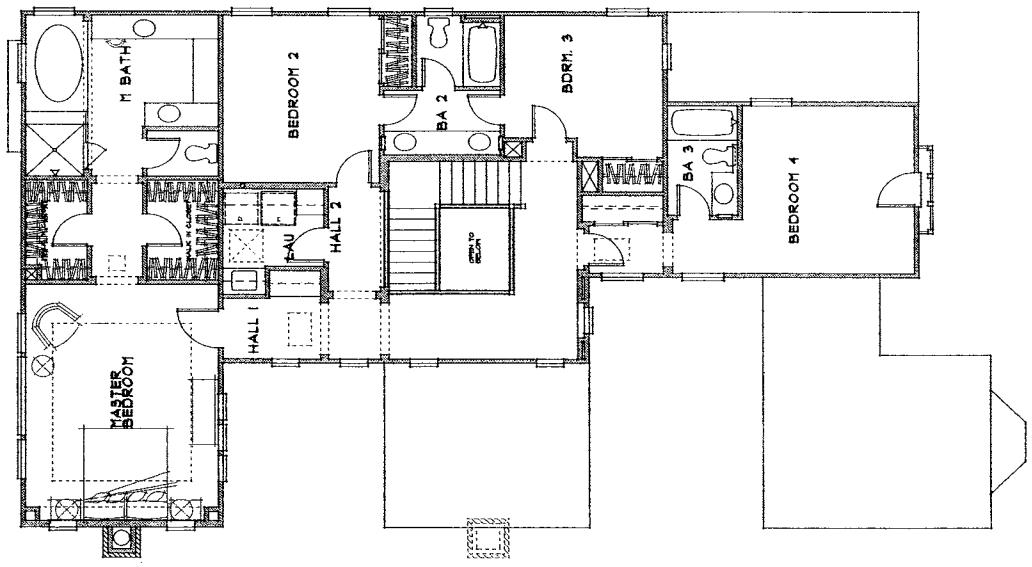
Exhibit 4-6
Plan Elevations





PLAN 2D • 3,153 SQ. FT.

■ THE RIDGE ■

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-7

Plan 2D

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA

2009-03-07

ATTACHMENT NO. 3.11

ROOF PLAN

PLAN 2D

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-8
Plan 2D
Elevations

PLAN 3A • 3,309 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-9

Plan 3A

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONE

FORMA 2009-03-07

ATTACHMENT NO. 3-13

ROOF PLAN

PLAN 3A

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-10

Plan 3A

Elevations

THE RIDGE

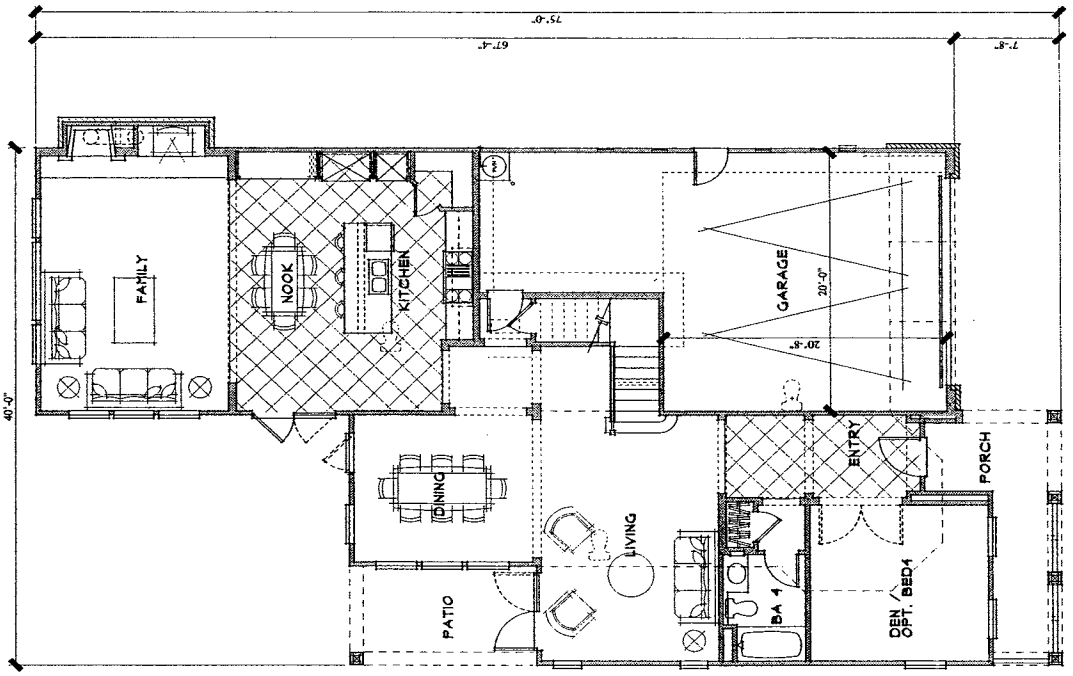
City of Huntington Beach

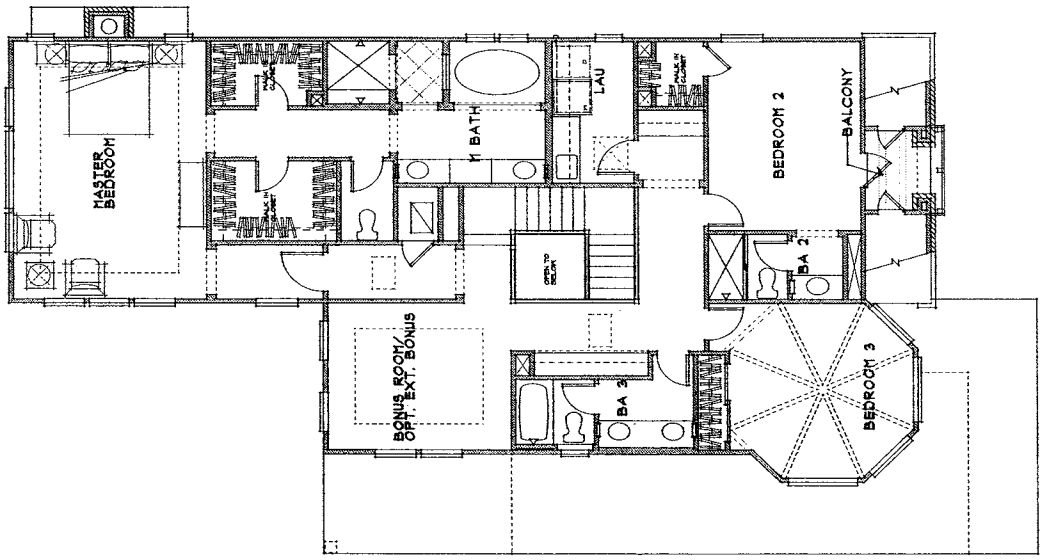
HEARTHSIDE HOMES

BASSENIAN | LAGONI

FORMA 2009·03·07

ATTACHMENT NO. 3.14





PLAN 3D • 3,294 SQ. FT. •

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-11

Plan 3D

Floor Plans

ROOF PLAN

PLAN 3D

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-12
Plan 3D
Elevations

THE RIDGE
City of Huntington Beach

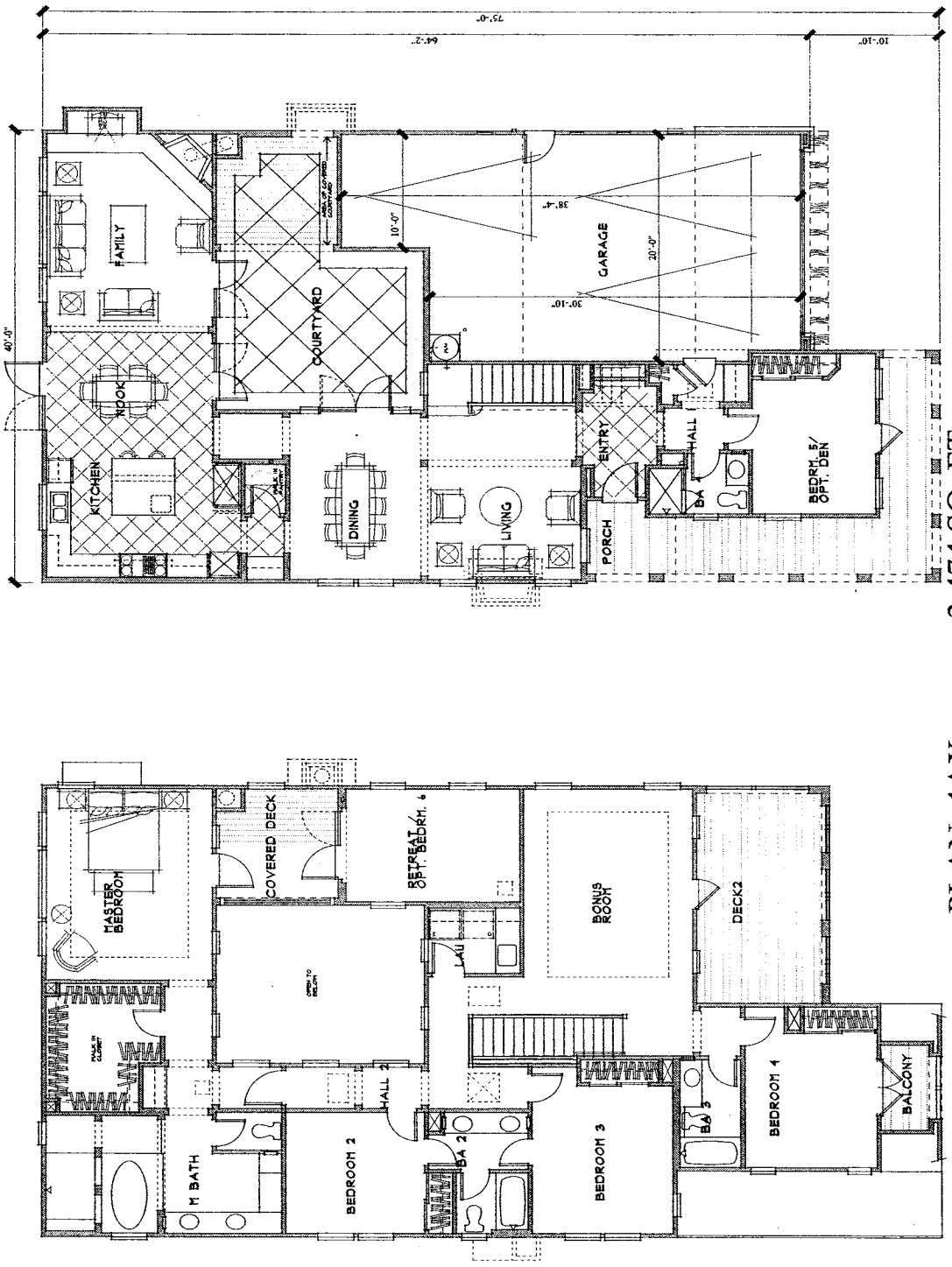
HEARTHSIDE HOMES

BASSENIAN LACONI

FORMA 2009·03·07

NTS

ATTACHMENT NO. 3.16



PLAN 4AX • 3,474 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-13

Plan 4AX

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009-03-07

ATTACHMENT NO. 3.17

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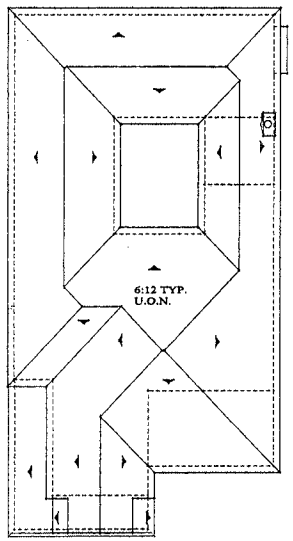
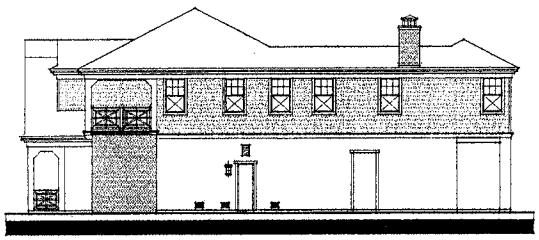


ROOF PLAN

FRONT



RIGHT

REAR

LEFT

PLAN 4AX

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

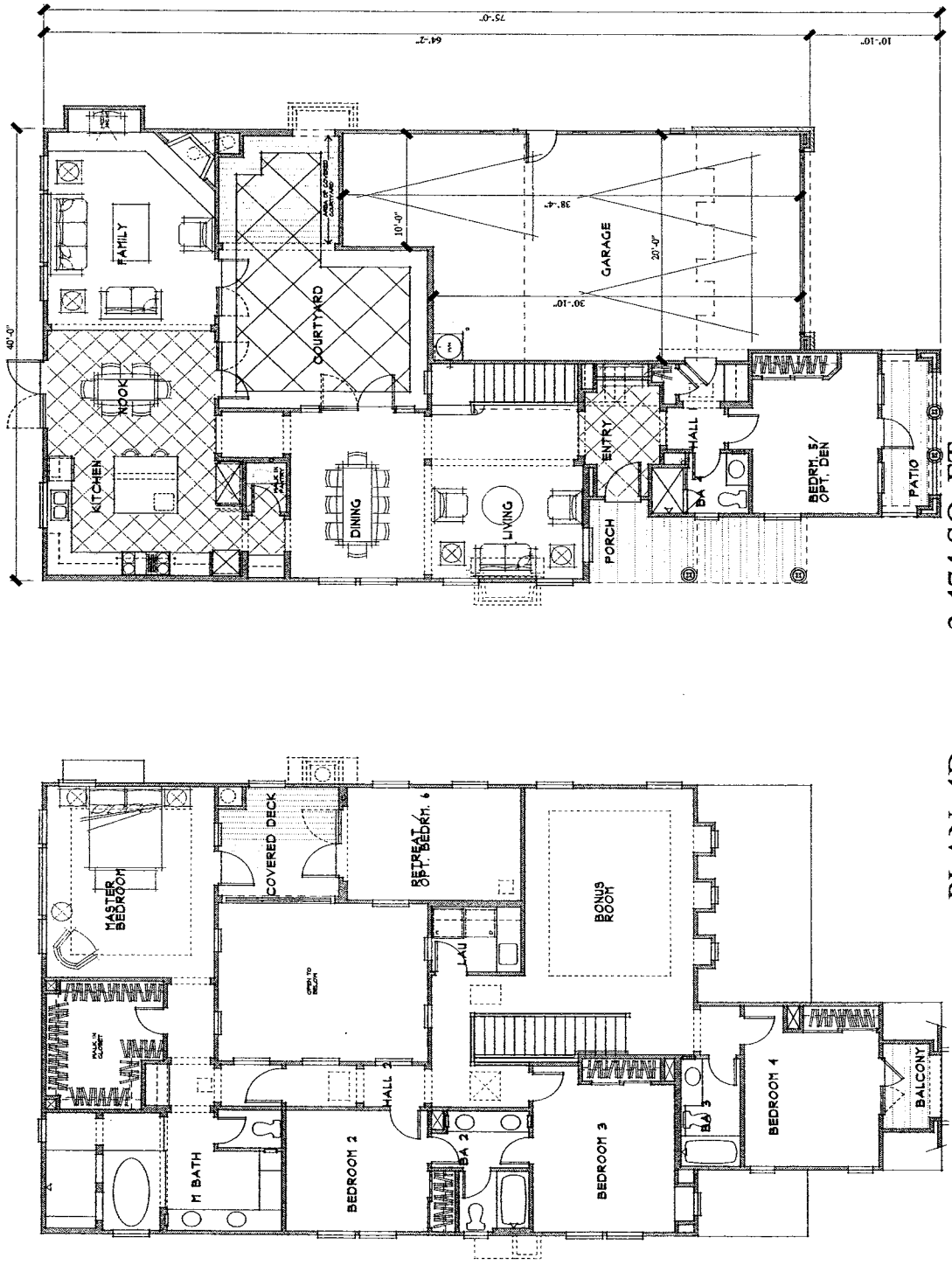
THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

Exhibit 4-14
Plan 4
Elevations

BASSENIAN
LACONI
FORMA
2009-03-07

ATTACHMENT NO. 3.18



PLAN 4D • 3,474 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-15

Plan 4D

Floor Plans

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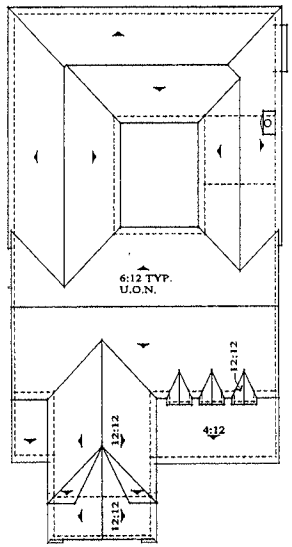
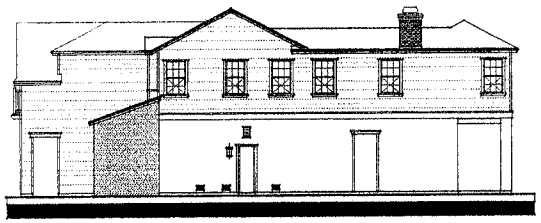


ROOF PLAN

FRONT



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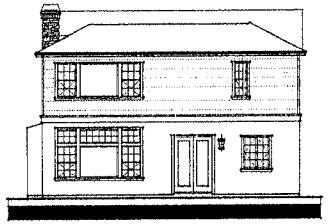

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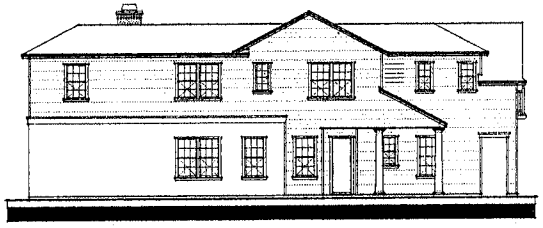


LEFT

PLAN 4D

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

HEARTHSIDE HOMES

THE RIDGE

City of Huntington Beach

NTS

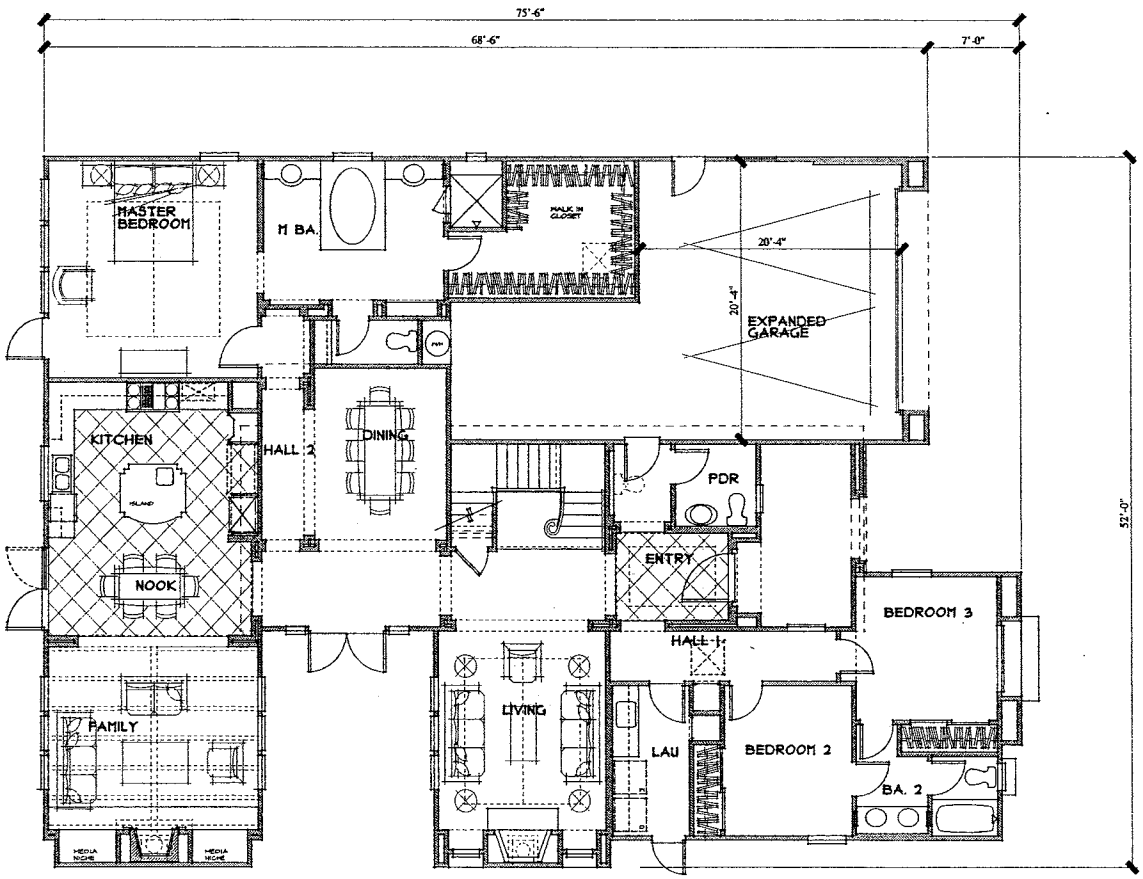
BASSENIAN LAGONI

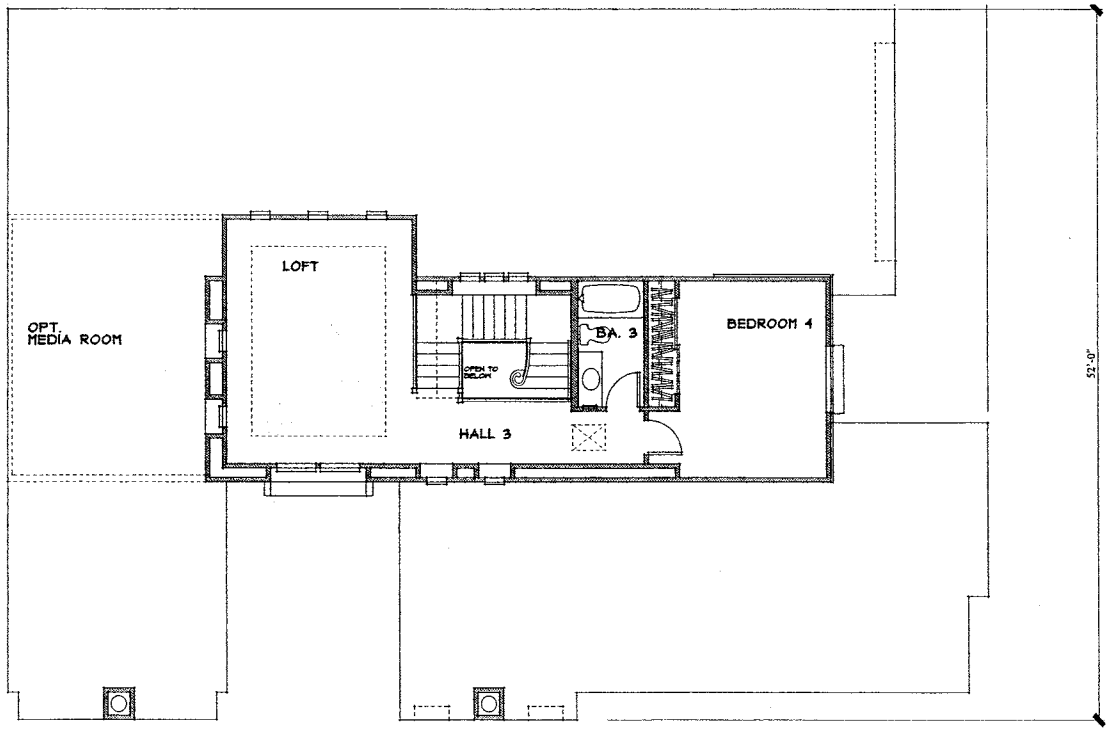
2009-03-07

Exhibit 4-16
Plan 3
Elevations

ATTACHMENT NO. 3, 20

4-18





PLAN 5C • 3,174 SQ. FT. •

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-17

Plan 5C

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009·03·07

ATTACHMENT NO. 3.21

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Exhibit 4-18
Plan 5
Elevations

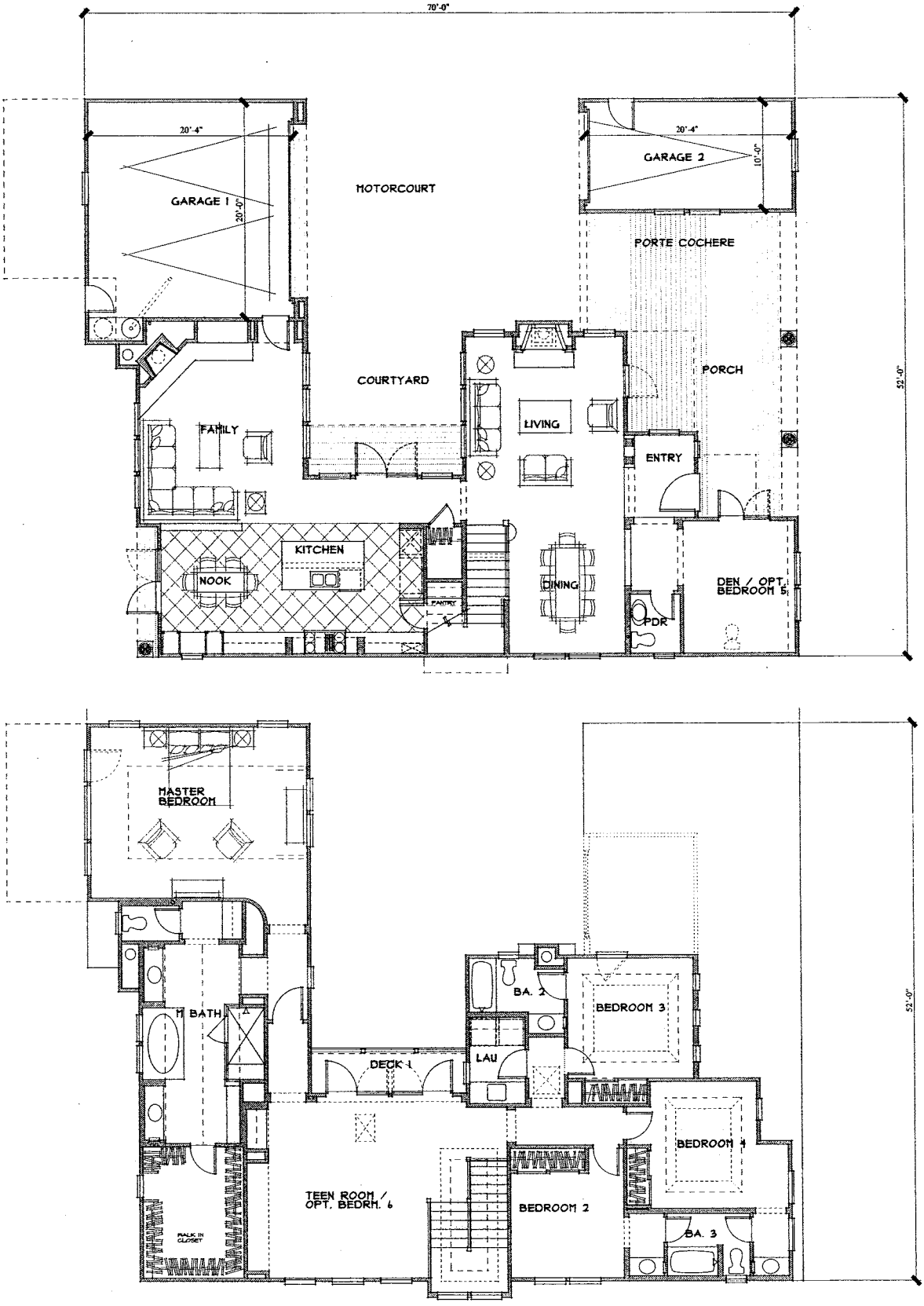
THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN

FORMA
2009·03·07

ATTACHMENT NO. 3.22



PLAN 6A • 3,548 SQ. FT. •

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-19

Plan 6A

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA

2009-03-07

NTS

ATTACHMENT NO. 3.23

ROOF PLAN

PLAN 6A

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-20
Plan 6A
Elevations

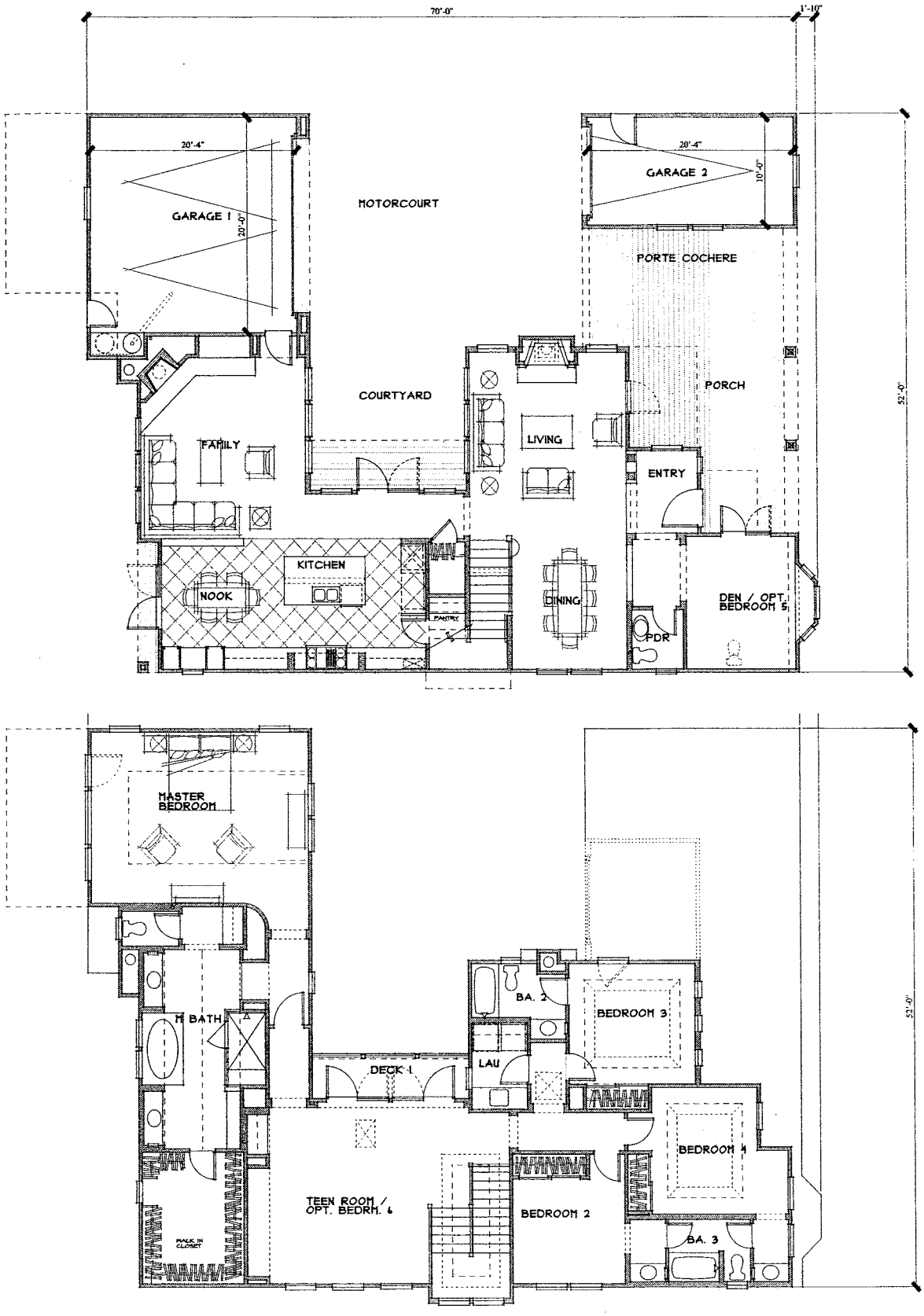
THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI FORMA 2009·03·07

NTS

ATTACHMENT NO. 3.24



PLAN 6AX • 3,559 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-21

Plan 6AX

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009·03·07

NTS

ATTACHMENT NO. 3-25

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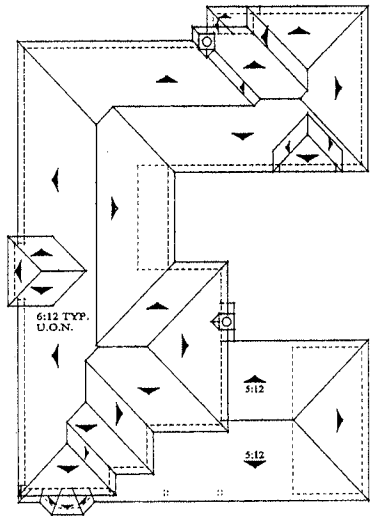
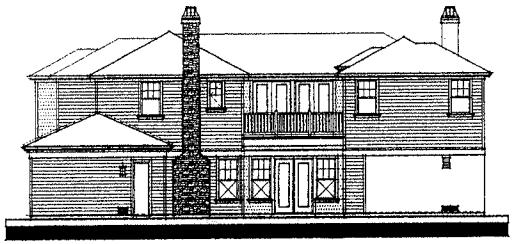


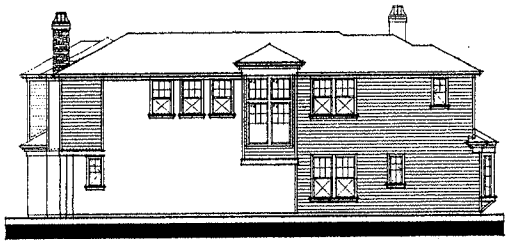
ROOF PLAN

FRONT



RIGHT

REAR



LEFT

PLAN 6AX

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

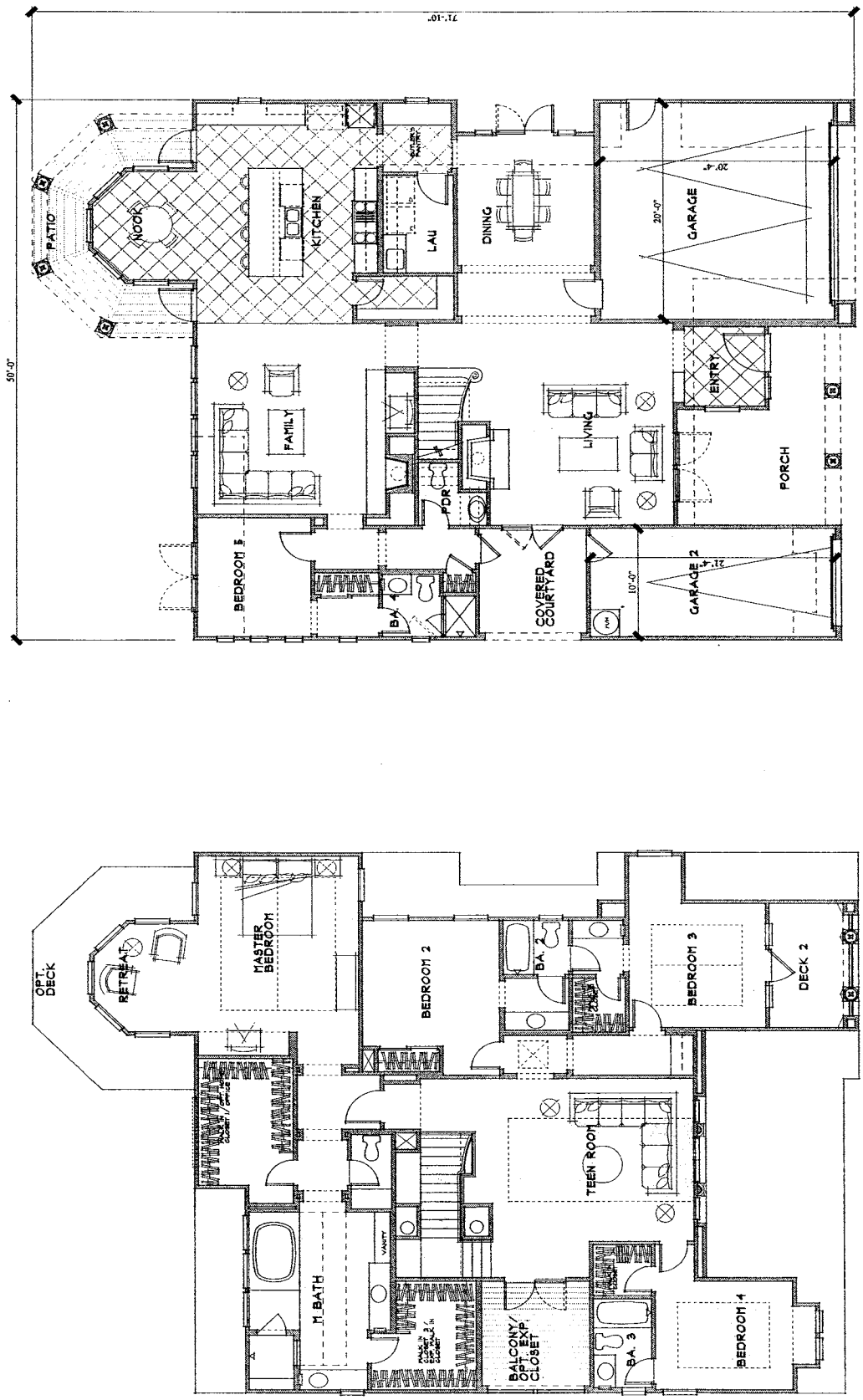
FORMA

2009-03-07

NTS

ATTACHMENT NO. 3, 26 4-24

Exhibit 4-22
Plan 6AX
Elevations



PLAN 7AX • 3,984 SQ. FT.

■ THE RIDGE ■

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-23

Plan 7AX

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGOON

FORMA

2009-03-07

ATTACHMENT NO. 3.27

PLAN 7AX

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-24
Plan 7AX
Elevations

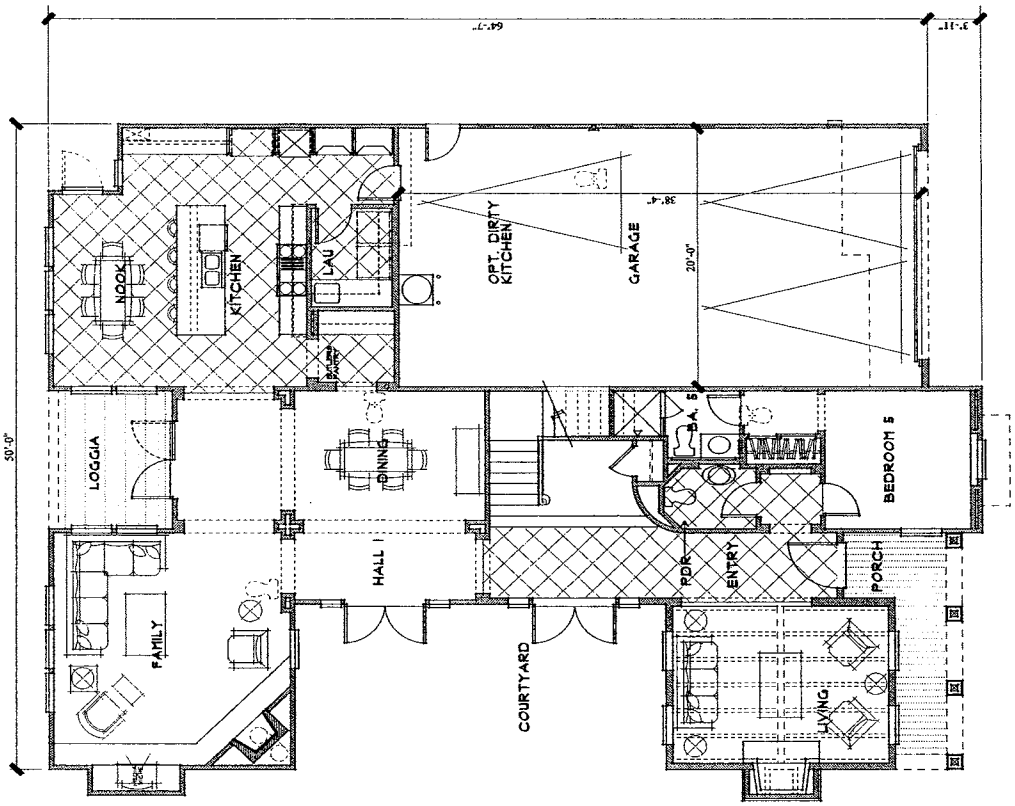
THE RIDGE
City of Huntington Beach

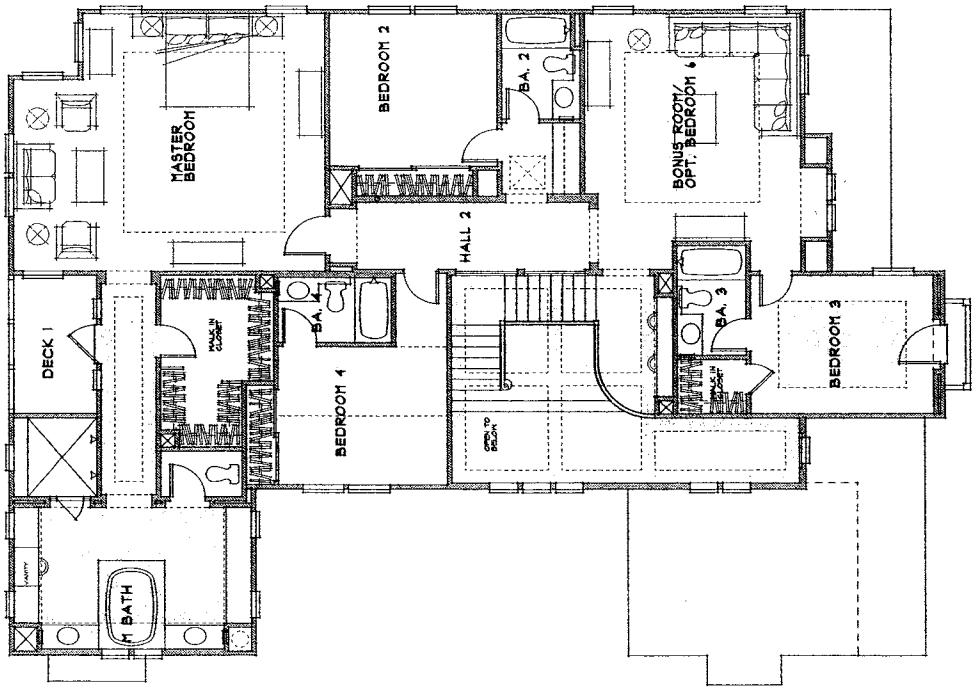
HEARTHSIDE HOMES

BASSENIAN LACONI — FORMA — 2009·03·07

NTS

ATTACHMENT NO. 3.28





PLAN 8A • 4,097 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-25

Plan 8A

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

NTS

BASSENIAN LAGONI

FORMA 2009·03·07

ATTACHMENT NO. 3.29

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Exhibit 4-26
Plan 8A
Elevations

THE RIDGE
City of Huntington Beach

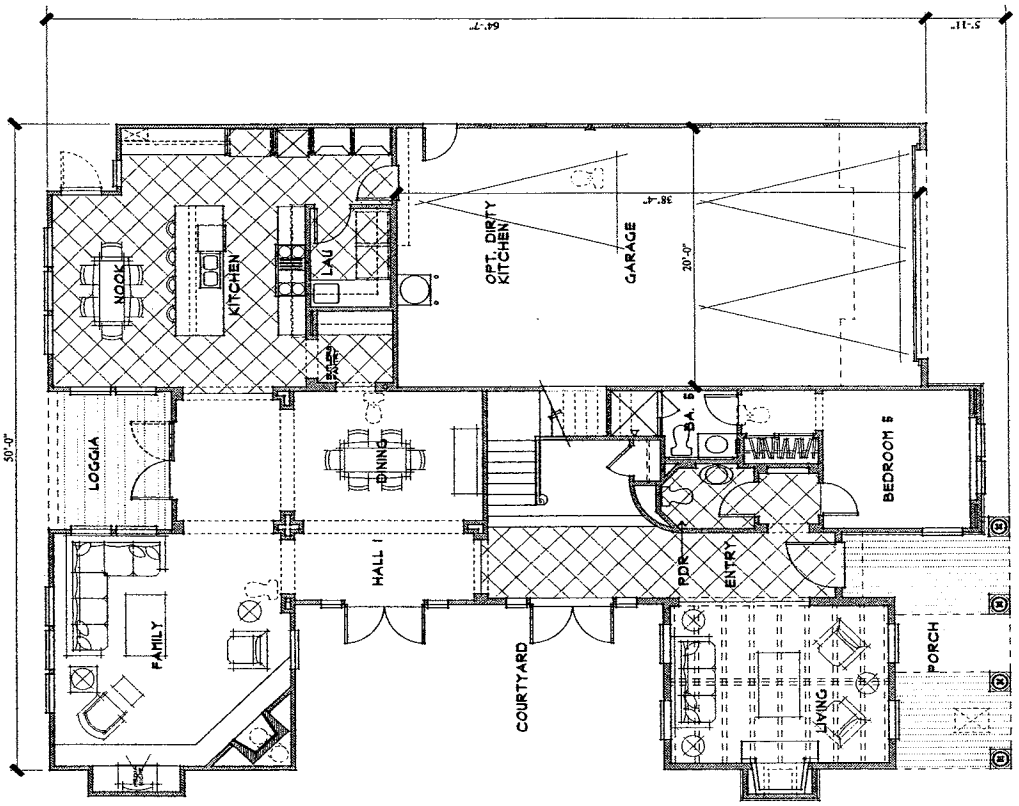
HEARTHSIDE HOMES

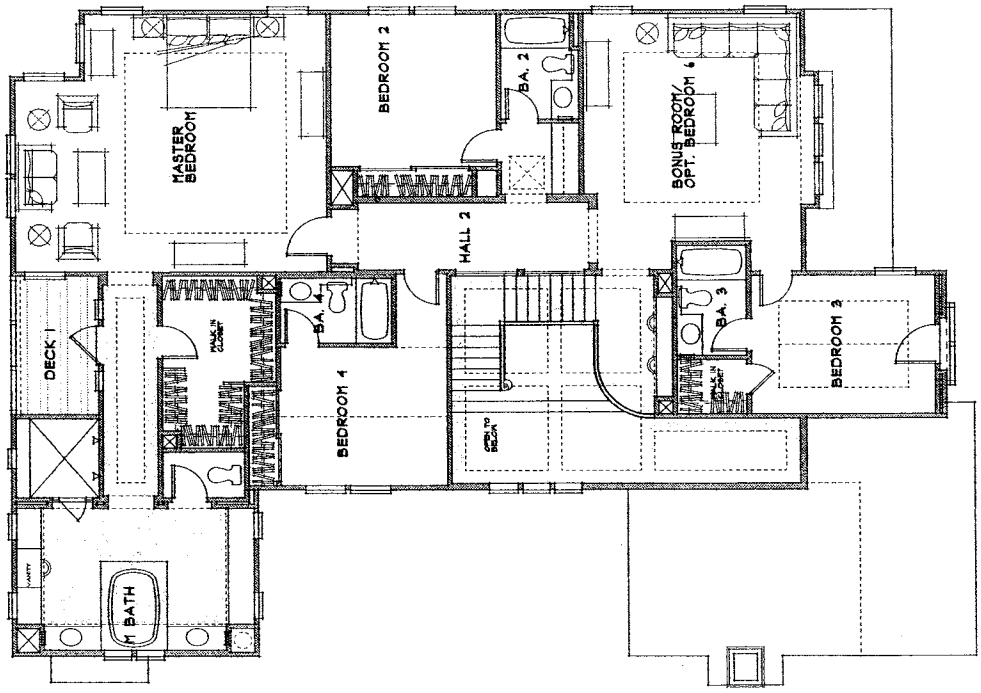
NTS

BASSENIAN LAGONI

FORMA 2009·03·07

ATTACHMENT NO. 3.30





PLAN 8AX • 4,094 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-27

Plan 8AX

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009-03-07

ATTACHMENT NO. 3.31

ROOF PLAN

PLAN 8AX

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-28
Plan 8AX
Elevations

THE RIDGE
City of Huntington Beach

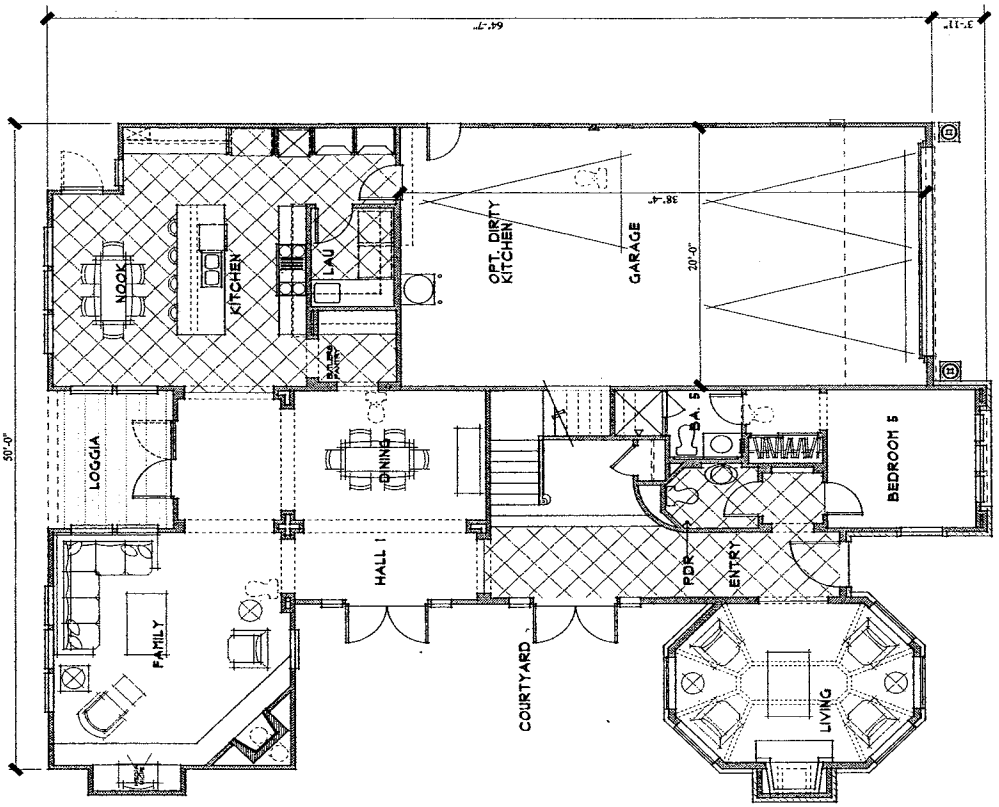
HEARTHSIDE HOMES

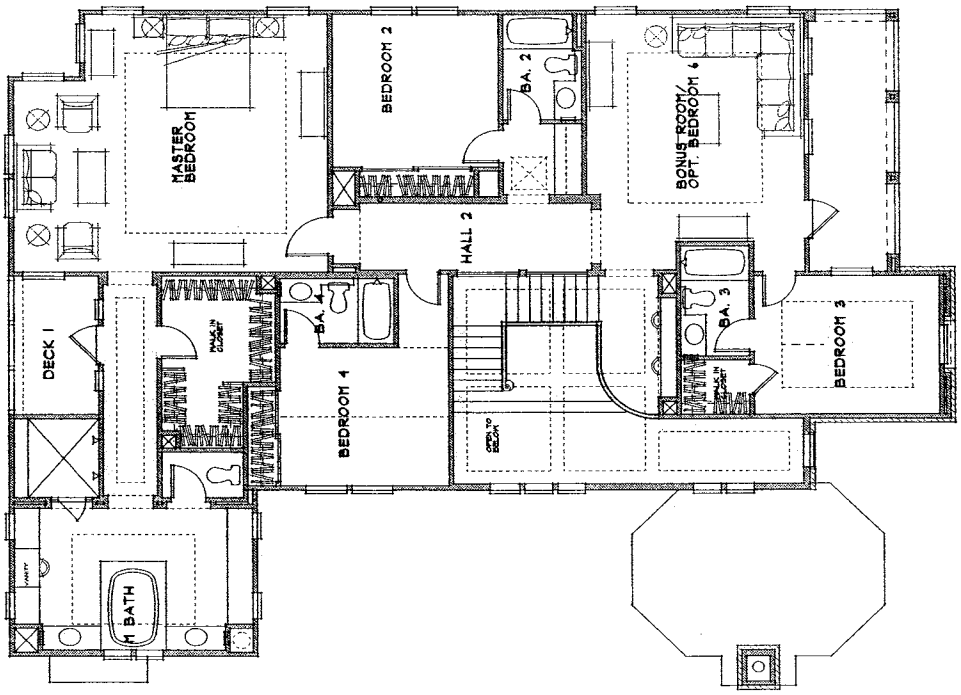
BASSENIAN LAGONI

FORMA 2009·03·07

NTS

ATTACHMENT NO. 3.32





PLAN 8D • 4,076 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-29

Plan 8D

Floor Plans

THE RIDGE

City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LAGONI

FORMA 2009-03-07

ATTACHMENT NO. 3-33

ROOF PLAN

PLAN 8D

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

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Exhibit 4-30
Plan 8D
Elevations

THE RIDGE
City of Huntington Beach

HEARTHSIDE HOMES

BASSENIAN LACONI

FORMA 2009·03·07

NTS

ATTACHMENT NO. 3.34

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592

Flex your power!
Be energy efficient!

RECEIVED
OCT 0 1 2009
Huntington Beach
PLANNING DEPT.

September 25, 2009

Ms. Jennifer Villasenor
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH #: 2009091043
Log #: 2350
SR-1

Subject: "The Ridge" 22-unit Planned Unit Development

Dear Ms. Villasenor:

Thank you for the opportunity to review and comment on the **Draft Mitigated Negative Declaration for "The Ridge" 22-unit Planned Unit Development project.** The proposed project involves a request to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The project site is located at the southeast corner of Bolsa Chica Street and Los Patos Avenue in the City of Huntington Beach.

The California Department of Transportation, District 12 is a commenting agency on this project, and has no comment at this time.

Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

Sincerely,

CHRISTOPHER HERRE
Branch Chief, Local Development/Intergovernmental Review

c: Terry Roberts, Office of Planning and Research

ATTACHMENT NO. 4.1

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY
Arnold Schwarzenegger, *Governor*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

RECEIVED
OCT 15 2009
Huntington Beach
PLANNING DEPT.

October 14, 2009

Jennifer Villasenor, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Mitigated Negative Declaration/Environmental Assessment No. 2008-016
"The Ridge" 22-unit Planned Unit Development

Dear Ms. Villasenor:

Coastal Commission staff received the above referenced document on September 15, 2009. The City is in the process of soliciting comments from interested parties on Mitigated Negative Declaration (MND)/Environmental Assessment (EA) No. 2008-016 prepared for a land use designation and zone change and residential development of the subject site. The subject site is an approximately 5 acre site located at the southeast corner Bolsa Chica Street and Los Patos Avenue, in the City of Huntington Beach. In the City's certified Local Coastal Program (LCP) the site is currently land use designated Open Space - Parks and Recreation (OS-PR) and zoned Residential Agriculture - Coastal Zone Overlay (RA-CZ). The MND/EA contemplates changing the land use designation to Residential Low Density – 7 units/acre (RL – 7) and the zoning to Residential Low Density – Coastal Zone (RL – CZ) in order to accommodate a 22 unit planned residential development. Thank you for forwarding the document for Coastal Commission staff review. Commission staff appreciates the opportunity to comment early in the process. Following are our comments.

As noted in the MND, the land use designation and zone change contemplated for the subject site would need to be approved by the Coastal Commission via a Local Coastal Program amendment. Development of the site with the 22 unit residential development will require approval of a coastal development permit by the City. The subject site is in the appealable area of the coastal zone. Commission staff has concerns with the proposed land use designation and zone change, as described in further detail below. The most significant areas of concern are with the adequacy of the proposed land use designation and zoning to protect: 1) the higher priority Open Space Parks and Recreation use over lesser priority residential use; 2) identified and potentially present sensitive habitats and species adjacent to and in the vicinity of the subject site, and 3) archaeological/cultural resources that may be present on site.

Land Use and Planning

The standard of review for an amendment to the certified Land Use Plan is conformity with and adequacy to carry out the Chapter 3 policies of the Coastal Act. Section 30222 of the Coastal Act places a higher priority on coastal recreational uses than on private residential uses. In addition Coastal Act Section 30223 requires that upland areas necessary to support coastal recreational uses be reserved for such uses, where feasible. Section 30210 of the

ATTACHMENT NO. 4.2

Coastal Act requires that recreational opportunities be provided for all the people. The contemplated land use designation change from the higher priority Open Space – Parks and Recreation to the lower priority Residential Low Density is not consistent with the Coastal Act policies requiring protection and promotion of public recreational opportunities within the coastal zone.

In addition, it is not clear from the information reviewed, but it appears that the contemplated residential development may be a private development with private streets. The City's certified Land Use Plan includes the following policy:

> C 2.4.7
>
> *The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.*

The subject site is located between the sea (Bolsa Chica wetlands) and the first public road (Los Patos Avenue). Thus, if the subject residential development is contemplated as a private community with private streets that would be inconsistent with the above cited policy of the certified LUP.

The overall project includes improvement of a 30 foot wide property currently owned by the City with a six foot wide meandering trail and landscaping. As this 30 foot wide property is already in public ownership, these improvements will not adequately offset the contemplated loss of five acres currently designated as Open Space Parks and Recreation.

The MND/EA also refers to Zoning Text Amendment No. 09-008 "to amend Chapter 210.12 – PUD [Planned Unit Development] Supplemental Standards and Provisions to allow flexibility in accommodating the total number of required parking spaces within a PUD." However, the text of the Zoning Text Amendment was not included in the information reviewed. Chapter 210.10 is part of the City's certified LCP Implementation Plan and as such changes to it would require approval of an LCP amendment. Without having the text to review, no comments are given, but we may have comments once the text is available for review.

Biological Resources

The MND/EA recognizes the Environmentally Sensitive Habitat Area (ESHA) located on the adjacent site to the east (known as the Shea or Parkside property). In it's action on the LUP amendment to incorporate that site into the City's certified Land Use Plan, the Coastal Commission found that the grove of trees commonly referred to as the Eucalyptus grove

constitute ESHA due to the important ecosystem functions the grove provides to a suite of raptors. In approving that LUP amendment (LUPA 1-06 Parkside), the Commission required a buffer area to ensure the biological integrity and preservation of the ESHA. In its action, the Commission approved a variable width buffer. The minimum buffer width to ensure protection of the ESHA approved by the Commission for the Shea site ranged from 297 to 650 feet from the ESHA. The MND/EA states that the subject site property boundary is 140 feet from the closest point of the ESHA, the nearest residential development is 160 feet from the ESHA, and the furthest residential development is 250 feet from the ESHA. This raises concerns with regard to whether an appropriate buffer/setback area will be accommodated at the subject site.

The contemplated project includes: "The eastern portion of the site adjacent to the Shea property would be raised three to nine feet over existing elevations requiring approximately 4,200 cubic yards of cut and 10,700 cubic yards of fill. Approximately 6,500 cubic yards of fill would be needed." This earth movement adjacent to the Shea property raises concerns with regard to protection of the ESHA on the site.

The MND/EA should also address whether the land use designation/zone change and contemplated residential development would result in allowing development where it would necessitate the need for fuel modification vegetation clearance within the Open Space Conservation area on the adjacent Shea property site. This too raises concerns with regard to protection of the ESHA on that site. Development should be set back far enough from the Open Space Conservation area to avoid the need for future vegetation clearance within the ESHA and ESHA buffer.

The MND/EA finds that "given the 23 acres that have been designated as open space for raptor foraging habitat on the Shea property and the distance of the proposed residential lots from the ESHA coupled with the topographical separation [the subject property is on a bluff approximately 40 feet above the base of the trees in the ESHA], the impacts to the ESHA are less than significant." However, even with the preservation of 23 acres of the Shea site as Open Space Conservation area, over 26 acres that had been available for raptor foraging will be lost when the residential portion of the Shea project is implemented. The area reserved for raptor foraging on the Shea property only mitigates for the development anticipated on that site. Any impacts that occur as part of the planned "Ridge" project need to be addressed in that project without reliance on the Shea project. Also, the MND/EA does not cite a Biological Assessment upon which the conclusion that impacts to the ESHA will be less than significant is based. A Biological Assessment addressing the subject site and surrounding area must be prepared, and should include discussion of appropriate setback/buffer areas.

The Biological Assessment should also consider whether any biological resources exist on the subject site. The Biological Assessment should consider impacts of the land use designation change/zone change and related contemplated development will have on, in addition to the subject site, the eucalyptus grove ESHA on the Shea site, the wetlands at the Shea site, the habitat open space on the Brightwater site, and on the nearby Bolsa Chica Restoration area. It is also not clear how the topographical separation protects the

eucalyptus ESHA from impacts of the contemplated residential development when the ESHA habitat serves raptors which fly and for whom the topographic separation would not seem to be significant. This too should be addressed in the Biological Assessment. The Assessment should be prepared prior to decisions on appropriate land use at the site. In any case, such a Biological Assessment will be required at the time an LCP amendment is submitted for Commission review.

Cultural Resources

The subject site is within an area of known archaeological significance. The MND/EA states that an archaeological report was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009. The May 2009 Archaeological Report includes, according to the MND/EA, discussion of the previous investigations of the archeological site. The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied this area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.

The MND/EA, in the second mitigation measure of the MND (CR-2), states that if pre-historic human remains are discovered the Most Likely Descendent shall inspect the site and "may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." The option of preservation in place should be an option available to the Most Likely Descendent in the event prehistoric human remains are encountered. Furthermore, preservation in place should also be considered if any significant cultural resources are discovered at the site.

Again thank you for the opportunity to comment on the proposed pre-zoning and Mitigated Negative Declaration. Please contact me if you have any questions regarding these comments.

Sincerely,

M Vaughn

Meg Vaughn
Staff Analyst

cc: Mary Beth Broeren, Planning Manager

Ridge MND 10.14.09 mv

ATTACHMENT NO. 4.5

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

October 9, 2009

City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, California 92648

Attention: Ms. Jennifer Villasenor, Associate Planner

Subject: ENVIRONMENTAL ASSESSMENT NO. 08-016 (Draft Mitigated Negative Declaration - The Ridge 22-unit Planned Unit Development)

Dear Ms. Villasenor:

The full Environmental Board has not yet reviewed this EA. Comments by the 3 members assigned reflect very divergent opinions about this Environmental Assessment and the uncertain financial capacity of the developer to perform.

The Board's ad hoc committee offers the following comments and recommendations for your consideration.

A) CHANGE IN STATUS FROM RA-CZ TO RL-CZ

Hearthside Homes is requesting that the project site currently zoned Residential Agriculture - Costal Zone (RA-CZ) with a General Plan Land Use of designation of Open Space - Parks (OS-P) be amended to Residential Low Density - Coastal Zone (RL-CZ) with a General Plan Land Use designation of Residential Low Density - 7 units/acre (RL-7). They are also requesting a variance for some of the proposed parcels that not meet the minimum standards for RL-7. Additionally, Hearthside is proposing a parking arrangement that is not allowed under Chapter 231 of the HB Zoning and Subdivision Ordinance. An amendment to the Zoning Text is being proposed to allow this parking design.

Ordinarily, the Environmental Board would be opposed to all of these changes. However, since Hearthside proposes to make this HB's first "green" residential project (see comment B), the Board sees this as a conditionally adequate mitigation or exchange for some of these variances.

B) INCLUSION OF "GREEN" FEATURES IN PROJECT

ATTACHMENT NO. 4.6

The project already proposes to include the following "green" features and we suggest:

- Integration of solar panels into the roofing of the homes
- Utilization of permeable pavers for sections of the street and driveways
- Energy Star rated homes
- Draught-tolerant landscaping
- Storm drain system designed to capture low-volume flows and allow them to percolate into the ground

The ad hoc committee is pleased that Hearthside plans to make this a "green" residential project. It is recommended that "green" features represented by LEED be mandated as part of the project in exchange for the changes and variances requested. **Furthermore, this project should be used as an example for future proposals that seek variances, zoning changes, and/or code text amendments.** To verify that these plans are in fact accomplished with sustainable criteria is essential. Otherwise the trade off is but a failed exchange. We recommend that the project meets specified criteria under LEED Gold or Platinum and be 5% greater than the State Energy Requirements required by Title 24. We are also concerned that sufficient space be provided in the kitchens to store recyclables and to assure space for trash, recycle, and green waste carts. Tandem parking makes this problematic.

Upon successfully attaining LEED Gold or Platinum status, Hearthside should be recognized for this achievement.

C) FISCAL CONTINGENCIES

Given the uncertain fiscal capability of the developer, the City could protect itself and nearby residents from the consequences of developer bankruptcy. These issues are currently beyond our scope, but others within the City should be consulted so that we avoid Beach City problems.

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Very truly yours,
HB ENVIRONMENTAL BOARD

/s/ Bob Smith, Ph.D.

Bob Smith, Ph.D., Chairman

Cc: Huntington Beach City Council

ATTACHMENT NO. 4.7

Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647
Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

RECEIVED
OCT 08 2009
Huntington Beach
PLANNING DEPT.

October 6, 2009

Jennifer Villasenor, Associate Planner
City of Huntington Beach
Planning Department
2000 Main St
Huntington Beach, CA 90048

Subject: Comments on Draft Mitigated Negative Declaration 08-016 (The Ridge)

Thank you for the opportunity of submitting comments regarding the above DMND.

We are deeply concerned that the development of a parcel that is within an area that is known for its critical biological importance be passed off with a mere negative declaration.

We are primarily concerned that the eucalyptus ESHA immediately east of the development is not afforded a sufficient buffer. As shown in the developer's Tentative Tract Map, the distance from the ESHA to the nearest Ridge property line is 150 feet. Based on advise from Coastal Commission technical staff, setbacks on the east side of the ESHA, on the Shea development, were set at a minimum of 270 feet. The developer of the Ridge project claims that because the residences are on pads that are about 40 feet higher that the base of the ESHA, a "topological separation" affords added buffer. It seems to us that if houses are near eye level with roosting birds (raptors, in this case), it would cause greater negative impact on the birds than if the houses were below the bird's lines of sight. Such a critical question can only be answered by a thorough expert review of the developer's claims that would come from a full environmental impact statement.

In addition, we are astonished that the developer is claiming streets and driveways as credit for open space. Open space requirements are intended to afford residents areas "accessible for outdoor living, recreation, pedestrian access or landscaping" (HB Zoning Code Chapter 302) , something that streets and driveways hardly provide.

In summary, the developer of The Ridge claims mitigation measures to protect an ESHA that can only be validated by a full investigation through an Environmental Impact Statement.

Thank you for your consideration.

Sincerely,

David Carlberg

David Carlberg, President

ATTACHMENT NO. 4.8

Villasenor, Jennifer

From: Elizabeth Kenneday [kenneday@csulb.edu]
Sent: Wednesday, September 30, 2009 7:56 AM
To: Villasenor, Jennifer
Subject: Plans to build an additional 22 houses on open space at Bolsa Chica

I wish to comment on these plans very simply. Pleas do not allow further deterioration of this important ecological and archaeological site by Hearthside Homes. There is very little open land left, and the greed of the developers should not be allowed to destroy what little is left. There are so many existing homes available in the area that it is criminal to develop this small open parcel that is left.

Elizabeth Kenneday-Corathers, PhD.

ATTACHMENT NO. 4.9

Villasenor, Jennifer

From: anna friesen [annafriesen@mac.com]
Sent: Wednesday, September 30, 2009 10:27 AM
To: Villasenor, Jennifer
Subject: Los Patos Parkside

I read with dismay that Hearthside wants to do away with the park designation and build their "Bolsa Chica Ridge" project--22 residential units--next to the Environmentally Sensitive Habitat Area and next to the Cogged Stone site.

It is time to stop the gradual erosion of open space in Huntington Beach. Open space in Huntington Beach is an asset as valuable as clean air and clean water, and is associated with the maintenance of both. Open space is an important component of what makes our city a desirable place to live and to visit. Open space is what attracted us to live here 22 years ago, and is what keeps us here.

Anna Friesen

9181 Willhelm Circle
Huntington Beach CA
92646

ATTACHMENT NO. 4.10

Villasenor, Jennifer

From: ed777chloe@aol.com
Sent: Wednesday, September 30, 2009 11:40 AM
To: Villasenor, Jennifer
Subject: Hearthside Homes Plans

A vehement NO on ANY construction by Hearthside Homes. NO NO NO NO!

Chloe & Ed Mieczkowski
19556 Grandview Circle
Huntington Beach 92648-5571

ATTACHMENT NO. 4.11

Villasenor, Jennifer

From: Chasse, Isabelle M [Isabelle.Chasse@uhc.com]
Sent: Thursday, October 01, 2009 7:39 AM
To: Villasenor, Jennifer
Subject: Cogged Stone Site and building

Hello. I am a resident of HB, I live on Bolsa Chica St and Los Patos. The last thing we need is to have more houses built on that small bit of road that runs from Los Patos down the where the Brightwater neighborhood beings. There are habitats already there - rabbits and birds and ground squirrels. There is a view of nature that is going to be destroyed in many ways if building is done there. Young boys have a place to ride their boards and bikes, a place they have developed over the years, a place that is safe and free, healthy activity that you just can't find anywhere else in this neighborhood.

I can't imagine more noise, more cars, more pollution. Where will the sewage go? Where will trash go? Is there no place that can remain wild? Must we build simply because there is an open space that can generate huge amounts of cash and tax revenue but that will be enjoyable for only the few who can afford to live there and no one else?

The Brightwater development isn't even finished yet and homes are not selling as well as was expected. Why build more homes when some are sitting empty already? Besides that, the Cogged Stone Site is right next to where the building will be and I have no doubts at all that the site extends farther that we anticipate it does. It is a site that is important to the Smithsonian Institute, too, it's the only place of its kind on this continent! That should be more precious to Huntington Beach than the revenue that would be generated.

Please consider not allowing building there. Once it's done, it can never be unbuilt and the ruin will be a shame and a blight on what is now natural space that is contributing to the green of our planet. Isn't it better for all concerned to keep it that way?

Respectfully,

Isabelle M. Chasse
Sr. Underwriting Coordinator
Cypress CA 714-226-4829

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ATTACHMENT NO. 4.12

Villasenor, Jennifer

From: lizwhyte1@msn.com
Sent: Thursday, October 01, 2009 8:48 AM
To: Villasenor, Jennifer
Subject: 22 more homes

Re Hearthside:
I am sure my comment will not count for anything but I am going to leave it anyway.

I am outraged that we are considering carving up more wetland space for Hearthside. They cannot sell the homes they have already built. Meanwhile all the wildlife has to roam our neighborhood looking for space to live in. We have squirrels swimming in our pool and digging up our gardens and rats eating our vegetables. I meet coyotes on my morning walk! Don't you think the environment has taken enough punishment, not to mention the ruination of an extremely important archaeological site.

Liz Whyte

ATTACHMENT NO. 4.13

SANDRA GENIS, PLANNING RESOURCES
1586 MYRTLEWOOD COSTA MESA, CA. 92626 PHONE/FAX (714) 754-0814

October 9, 2009

Jennifer Villasenor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: MND for The Ridge (SCH # 2009091043)

Via hand delivery and e-mail

Dear Ms. Villasenor,

Thank you for the opportunity to comment upon the Mitigated Negative Declaration for The Ridge project (MND No. 08-016; SCH # 2009091043) located on approximately 5 acres of property in the City of Huntington Beach, Orange County These comments are submitted on behalf of the Bolsa Chica Land Trust and myself.

The applicant proposed to construct twenty–two dwelling units, roadways, drainage improvements, private open space amenities, and related infrastructure on the project site. The project would be developed as a Planned Unit Development. In order for development to proceed the following discretionary approvals would be needed:

- General Plan Amendment, changing the site's land use designation from Open Space-Park(OS-P) to Residential Low Density (RL)
- Local Coastal Program Land Use Plan Amendment, changing the site's LUP land use designation form Open Space-Park (OS-P) to Residential Low Density (RL)
- Zoning Amendment, changing the site's zoning designation from Residential Agriculture-Coastal Zone Overlay (RA-CZ) to Residential Low Density-Coastal Zone Overlay (RL-CZ)
- Amendment to Chapter 210.12 of the Zoning Code to allow greater flexibility in provision of required parking, including provision for tandem parking
- Tentative Tract Map
- Coastal Development Permit
- Conditional Use Permit

The site is highly sensitive as part of the Bolsa Chica ecosystem, including but not limited to the Bolsa Chica Ecological Reserve. Resources in the immediate area include an environmentally sensitive habitat area to the east and important cultural resources. Cultural resources include Ca-Ora-83, which is listed by the Native American Heritage Commission registry of sacred sites and was recently determined to be eligible for listing on the National Register of Historic Places. The portion of Ca-Ora-83 on the Brightwater property, to the west, was found to contain human

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remains, and was likely a prehistoric cemetery. In an April 8, 2008 letter to the Coastal Commission, Larry Myers the Executive Director of the Native American Heritage Commission states the following:

> The NAHC has not received a report clearly showing the dates, locations and details of burial discoveries. At this point based on information available and the large number of burials recovered and associated items, ***it appears that the whole area may be a burial ground.*** [emphasis added]

The Process

In accordance with Section 21080(d) of the California Environmental Quality Act:

> If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

Section 21080(e) defines "substantial evidence" as follows:

> (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, **or** [emphasis added] expert opinion supported by fact.
> (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

The courts have held that "relevant personal observations by area residents" may be properly considered substantial evidence. (*Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903: *Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist*, (2004) 116 Cal.App.4th 402; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.*, (2002)101 Cal.App.4th 1347; *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322.)

As stated in *Citizens for Responsible & Open Government v. City of Grand Terrace*, (2008) 160 Cal. App. 4th 1323:

> CEQA provides that generally the governmental agency must prepare an EIR on any project that may have a significant impact on the environment. (§§ 21080, subd. (d), 21100, subd. (a), 21151, subd. (a); *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 570–571 [80 Cal. Rptr. 2d 294], quoting *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601–1602 [35 Cal. Rptr. 2d 470].) Whenever there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment, an EIR normally is required. (§ 21080, subd. (c)(1); Guidelines, § 15070, subd. (a); *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1399 [43 Cal. Rptr. 2d 170]; *Pocket Protectors v. City of*

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Sacramento (2004) 124 Cal.App.4th 903, 927 [21 Cal. Rptr. 3d 791] (*Pocket Protectors*).) "The fair argument standard is a 'low threshold' test for requiring the preparation of an EIR...

A mitigated negative declaration is one in which "(1) the proposed conditions 'avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, *and* (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.' (§ 21064.5, italics added.)" (*Architectural Heritage Assn. v. County of Monterey, supra,* at p. 1119; see also *Citizens' Com. to Save Our Village v. City of Claremont* (1995) 37 Cal.App.4th 1157, 1167 [44 Cal. Rptr. 2d 288].)

As stated in *Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: "if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil*[, *supra,*] 13 Cal.3d 68)." Thus, as *Claremont* itself recognized, "Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal. App. 3d 229, 244–245 [227 Cal. Rptr. 899]; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988 [165 Cal. Rptr. 514]." (*Claremont, supra,* 37 Cal.App.4th at p. 1168.)

It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project. (See *No Oil, supra,* 13 Cal.3d at p. 85.)

Adoption of a Mitigated Negative Declaration is inappropriate in this case inasmuch as the clear potential for significant adverse impacts on the environment exists. These include but are not limited to impacts on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics.

Potential Impacts

As noted above, potential impacts may occur on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics. These are described in more detail as follows:

Biological Resources

As described in the City of Huntington Beach General Plan Coastal Element, (pp. C.IV-77 and 78), important biological resources exist on the Parkside site, which abuts the Ridge property on the east:

> There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited.
>
> In addition, on the site's western boundary, at the base of the bluff, is a line of eucalyptus trees that continues offsite to the west. These trees are used by raptors for nesting, roosting, and as a base from which to forage. The trees within this "eucalyptus grove" within or adjacent to the subject site's western boundary constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. The Eucalyptus trees along the southern edge of the Bolsa Chica mesa are used for perching, roosting, or nesting by at least 12 of the 17 species of raptors that are known to occur at Bolsa Chica. Although it is known as the "eucalyptus grove", it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA by multiple agencies since the late 1970's (USFWS, 1979; CDFG 1982, 1985) not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. Some of the raptors known to use the grove include the white tailed kite, sharpshinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food. These Eucalyptus trees were recognized as ESHA by the Coastal Commission prior to its 2006 certification of this section of this LCP, most recently in the context of the Coastal Commission's approval of the adjacent Brightwater development (coastal development permit 5-05-020).
>
> The Eucalyptus grove in the northwest corner of the site, although separated from the rest of the trees by a gap of about 650 feet, provides the same types of ecological functions as do the rest of the trees bordering the mesa. At least ten species of raptors have been observed in this grove, and Cooper's hawks, a California Species of Special Concern, nested there in 2005 and 2006. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors these trees also constitute ESHA.

Additional information regarding the Eucalyptus trees is provided in a July 26, 2006 Coastal Commission staff report on what is known as the Parkside Project (p.31, Agenda Item Tu 8c, August 6, 2006):

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> The Eucalyptus ESHA in the northwest corner is known to have supported a nesting pair of white tailed kites in the spring of 2005. In addition to the nesting kites, this area of the Eucalyptus ESHA provides similar roosting and perching opportunities for the suite of raptors.

The need for adequate buffers was then discussed (July 26, 2006 Coastal Commission staff report pp.31-32, Agenda Item Tu 8c, August 6, 2006):

> In order to assure the ESHA is protected and remains viable, in addition to precluding nonresource dependent development within the ESHA, a buffer zone around the ESHA must be established. A buffer zone would require that development adjacent to the ESHA be set back an appropriate distance from the ESHA. The setback is intended to move the development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance. The distance between the ESHA and development, the buffer zone, must be wide enough to assure that the development would not degrade the ESHA and also would be compatible with the continuance of the ESHA.
>
> For purposes of establishing protective buffers, the eucalyptus grove ESHA boundary should be considered to fall along the drip line of the outermost trees of the grove (see exhibit). The specific area of an appropriate buffer is more difficult to quantify.
>
> There is, to some degree, a subjective approximation element in assigning dimensions to protective habitat buffers or development setbacks. For example, it probably would not be possible to distinguish the different biological effects of a 100-foot buffer compared to a 110-foot buffer or those of a 300-foot-buffer from a 100-meter (328-foot) buffer. We tend to choose round numbers in whatever units we are using. However, the difference between a 100-foot buffer and a 100-meter buffer would provide discernable benefits to wildlife. Commenting on a proposed development that borders the eucalyptus grove ESHA on its western side (coastal development permit application number 5-05-020, Brightwater), wildlife agencies recommended a buffer width of 100 meters. However, the applicant's consultant's for that project recommended a 100 foot buffer. These large differences reflect differing opinions concerning the sensitivity of raptor species to disturbance and differences in opinion concerning the acceptable risk of disturbance impacts to raptors, especially raptors that have the potential for nesting at Bolsa Chica.
>
> In an urban environment development setbacks are usually inadequate to protect all individuals of wildlife species of concern from significant impacts. In an urban setting a buffer is usually no more than one to several hundred meters, and usually less, whereas in a natural setting, a buffer of two kilometers has been found to be significantly more protective. For example, Findlay and Houlahan (1997) found a

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negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity.

Development must be separated from ESHAs by buffers in order to prevent impacts that would significantly degrade those areas. Again, with regard to the Brightwater development, buffer recommendations from the same ESHA included a 150-meter buffer recommendation by Dr. Findlay, of the University of Ottawa. CDFG and USFWS previously recommended the establishment of a 100-meter buffer on the Bolsa Chica Mesa in the 1980's. The Coastal Commission staff ecologist recommended a minimum 100-meter buffer around the eucalyptus ESHA. In further studying the appropriate buffer for the Eucalyptus ESHA, Dr. Dixon (staff ecologist) stated:

> The buffer around the Eucalyptus tree ESHA is particularly important if those trees are to continue to function as nesting habitat for a variety of raptors. The California Department of Fish and Game and the U.S. Fish and Wildlife Service recommended a 100-m buffer. A literature review found that raptor biologists recommended buffers for various species of nesting raptors from 200m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcons ...In an independent review concerning a prior development proposal at Bolsa Chica with 100-foot (30-m) buffers, raptor expert Brian Walton opined that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." [and] "[t}hey describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

The 100 meter buffer recommended by USFWS (1979), CDFG (1982), and by staff is necessary to prevent disturbance to raptors that utilize the eucalyptus ESHA, and, based on raptor expert Peter Bloom's estimates of foraging distances, is also large enough to provide significant foraging opportunities close to the nest. This is particularly important because distant foraging increases the risk of nest predation. White-tailed kites, a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the eucalyptus ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom, 2002); 100m (Holmgren, 6.7.2002); 50m (J. Dunk (raptor researcher) in person communication to M. Holmgren, 2002); 46-61m (with "low-frequency and non-disruptive activities"; Froke, 2002). These estimates suggest that a 100-m buffer is probably adequate, but not overly conservative.

In addition, grading was to be prohibited within 500 feet of any active nest. (April 1, 2005 Coastal Commission staff report pp.9,12,26,28,68 Agenda Item Th 7a, April 14, 2005).

According to EA No. 2008-016 (p. 30), the proposed project would extend to within 140 feet of the ESHA with the nearest residential lot 160 feet from the ESHA. Construction in this area would involve heavy machinery for grading. The proposed buffer, under 50 meters from the ESHA, less than half the 100 meters considered "probably adequate, but not overly conservative" by Coastal Commission staff, would fall far short of the buffer needed for adequate protection of the ESHA. Thus, it is likely that disturbance of raptors utilizing, or attempting to utilize, the Eucalyptus ESHA would sustain adverse impacts.

Exacerbating the situation, fill on the site will result in a situation with "the tops of the trees ..approximately at the proposed pad elevation" (EA p. 30). Incredibly, the EA then notes that this will increase "topographical separation" (EA p. 30) As noted by Coastal Commission staff ecologist, John Dixon (April 1, 2005 Coastal Commission staff report pp.8,12 Agenda Item Th 7a, April 14, 2005; September 24, 2004 Coastal Commission staff report pp. 41,55, Agenda Item W 12g, October 13, 2004; July 29, 2004 Coastal Commission staff report pp. 36,38 Agenda Item Th 23e, August 12, 2004) raptors nest in the tops of the trees. Raptors tend to seek out high points, hence the use of the trees for roosting and nesting in the first place. Thus, topographical separation will ***decrease***, not increase. Nearby activities at, and possibly even above, the level of potential nesting sites would be highly disturbing. Thus construction on elevated pads will ***increase***, not decrease, impacts on the resource.

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21). The EA does not provide information as to what the treatment will entail or its effectiveness in removing urban pollutants, including such materials as petroleum residues, tire residues, landscape chemicals, and heavy metals. Unless treatment is one hundred percent effective in removing such materials, adverse impacts on the wetlands could occur. In addition, the proposal would redirect drainage currently flowing to the wetlands on the Parkside site, potentially resulting in impacts on those wetlands.

Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to propagation of additional introduced, invasive plant species (November 1, 2007 Coastal Commission staff report pp.10,41,45,76 Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp. 4,30,31,106, Agenda Item Th 11a, October 13, 2005). EA No. 2008-016 fails to mitigate or even identify this potentially significant impact. Absent measures which would ensure that invasive species are not planted on the site, it cannot be concluded that no impact would occur.

Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to predation by domestic pets including cats and dogs (November 1, 2007 Coastal Commission staff report pp.11,41,45, Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp.20,27,28,29,34, Agenda Item Th 11a, October 13, 2005). EA No. 2008-016 fails to mitigate or even identify this potentially significant impact. Absent measures which would ensure that domestic pets are fully controlled at all times, it cannot be concluded that no impact would occur.

Potential impacts would occur due to increased light, glare and noise, with potential impacts on sensitive species. Even if lighting were directed downward, this could result in lighting directed down toward ESHA to the east.

All of these significant impacts on biological resources must be examined in an environmental impact report.

Air Quality

EA No. 2008-016 provides information regarding air pollutant emissions during construction and concludes that no impact will occur, based on the project's contribution to regional emissions (EA p. 24). However, the project fails to take into consideration localized effects.

The South Coast Air Quality Management District (SCAQMD) has developed methodology for determining the localized significance of air emissions. For construction projects of approximately 5 acres in the North Coastal Orange County Source Receptor Area, SCAQMD has developed the following localized significance thresholds:

Localized PM_{10} Emissions Thresholds for Construction
North Coastal Orange County (SRA 18)

Receptor distance (meters) from site boundary	25	50	100	200	500
LST (lb/day)	14	44	57	85	167

Source: SCAQMD, Localized Significance Threshold Methodology, Table C-4, PM10 Emission Thresholds for Construction

As noted in EA No. 2008-016(p. 24), the proposed project is anticipated to generate 26.26 pounds per day of PM_{10}, i.e. fine particulates less than 10 microns in diameter, thus exceeding the localized significance threshold for source receptors within twenty-five meters (approximately eighty-two feet) of the site boundary. This would affect nearby residents, natural habitat, and the thirty-foot-wide pathway at the northerly site boundary which is utilized by large numbers of school children daily on their way to school.

Construction emissions will result in a significant localized air quality impact which must be examined in an environmental impact report.

Noise

Development of the site will result in increased noise during construction and upon occupation of the site. Noise from concrete mixers (85 dBA at 50 feet), generators (81 dBA at 50 feet) and other construction equipment (74 to 98 dBA at 50 feet) would be well above ambient noise levels, affecting nearby residents as well as wildlife.

Construction haul routes are not identified in the EA. Noise would also be generated along those routes, with fully loaded trucks typically generating noise levels of 88dBA at fifty feet. At least a portion of any haul route would be along residential streets, creating noise levels well in excess of ambient noise levels in residential areas.

EA No. 2008-016 indicates that the .the applicant is "proposing to utilize noise mufflers on all heavy equipment" (p.33). However, EA No. 2008-016 fails to reveal how much the proposed mufflers would reduce the clearly significant noise impact nor ensure that what the applicant "is proposing" would actually be implemented.

Construction noise is a significant impact which must be examined in an environmental impact report.

Aesthetics

Views of the site will sustain significant adverse impacts due to implementation of the proposed project. Open space would be replaced by housing and night time views would include additional outdoor lighting. Views across the site from existing public streets and paths toward the Reserve and other open space would be lost.

Impacts would be greatest from the existing public pathway in the thirty-foot-wide city parcel extending along the northerly boundary of the site. Numerous people currently utilize the pathway for recreational purposes and as a pleasant transportation alternative to riding a bicycle on the street with vehicular traffic. As shown in cross sections in Attachment 2.1 to the EA, a solid wall up to eight feet in height will be constructed, totally blocking any views from the public parcel and creating a tunnel effect similar to that created along Los Patos by the Brightwater development. The public will lose all visual access to coastal resources in this area. No "meandering pathway" or "landscaped buffer" (EA, p. 2) can compensate for this loss.

Aesthetic impacts, particularly loss of views from public areas, must be examined in an environmental impact report.

Hydrology and Water Quality

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21), thereby altering existing drainage patterns. Surface water currently flowing to the wetlands on the Parkside site, would thus be reduced.

The EA indicates that low flows would be retained on-site (p. 21). This would be consistent with California Water Resources Control Board Order No. WQ-2000-11 and Santa Ana Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030, NPDES No. CAS618030, which require the retention or treatment of low flows up to an 85th percentile storm event. Low flows from the proposed project would percolate into the ground, although no information is provided regarding subsurface conditions. Future lateral movement of what will become subsurface waters must be considered. Will drainage ultimately travel to

ATTACHMENT NO. 4.2

the bluffs, resulting in increased bluff erosion? Bluff erosion is an ongoing process at Bolsa Chica. Recently, plans for a foot-bridge along Warner, west of the project site, had to be revised to respond to the several feet of bluff erosion that had occurred in just the few short years of the planning process for the foot-bridge. Any increase in drainage in bluff areas would thus be potentially significant.

Impacts on drainage must be examined in an environmental impact report.

Land Use

The proposed project would result in the development of approximately five acres of open space land currently designated for open space under the general plan and local coastal program. This is a significant impact, made all the more significant when considered in conjunction with other proposed and recent development in the area, including the Brightwater project, Parkside development, and the Goodell parcel.

The project would eliminate five acres of potential future parks while creating a demand for an additional 0.29 acres (12,415 square feet)of park land, based on a future population of 57 residents (EA p. 15) and a general plan standard of five acres of park land for each one thousand residents (EA p. 41). While the applicant would be required to dedicate land or pay in-lieu park fees, this would not necessarily eliminate potential impacts. In-lieu fees must be utilized to provide park facilities for the project from which they are generated (Government Code Sec. 66477(a)(3)). The Huntington Beach Recreation and Community Service Element does not identify any new locations in the nearby area for future local parks which would be available to serve future residents of the proposed project. The project thus fails to meet general plan goals for park land.

These significant impacts on land use must be examined in an environmental impact report.

Transportation/Access

EA No. 2008-016 identifies potential impacts on parking, circulation and pedestrians during construction, particularly during earth hauling activities (p. 28). The EA then notes that the project would "not impact a large number of surrounding residential uses", implying that some "not large" number of residents would sustain an impact, possibly a significant one. The EA fails to define "not large". Would the dozens of dwelling units taking access to Bolsa Chica Street at Dorado Drive be "not a large number"? What about the seventy-one-unit apartment building on Bolsa Chica Street? In any case, impacts would be significant even if only a couple of homes were affected.

The proposed project would provide a portion of the required parking as tandem spaces. As noted in EA No. 2008-016 (p. 39), "This may…result in more on-street parking spaces being occupied more often". This would then reduce available street parking for guests and other visitors, such as repair people. A dearth of available street parking would potentially spill out onto nearby public streets, resulting in reduced parking available for the general public seeking to access coastal resources. This is a significant impact.

Impacts due to construction and proposed parking configurations must be examined in an environmental impact report.

Cultural resources

The project site contains CA-ORA-86 a site which is often considered in conjunction with CA-ORA-144 and CA-ORA-83. As noted in EA No. 2008, 016 (p. 40), the site has been subject to previous studies. It is extremely disappointing that the EA belittles the significance of on-site archaeological resources, describing the site as disturbed and likely to yield little of value in language reminiscent of environmental documents for the Brightwater site which had also been subject to numerous previous studies. As we now know, CA-ORA-83 at the Brightwater development site to the west has yielded numerous cog stones and human remains not acknowledged or anticipated in environmental documents for the project, resulting in a tragic loss of cultural values and desecration of burial sites. CA-ORA-83 extends east of the Brightwater site, across the Bolsa Chica Street alignment.

In any case, the loss of any additional cultural resources in this area would constitute a significant adverse effect, even if resources are documented and recovered. As stated by Susan Stratton, supervising archeologist at the California Office of Historic Preservation, commenting on CA-ORA-83:

> I don't see how you can mitigate for this. Let's say you completely destroy a building. How are you going to compensate for the destruction? Maybe you build a replica. But in this case you have an archeological site and it's a non-renewable resource so whatever remains of this particular site, it's forever. It will never be duplicated. You can't build a replica of this.

Archaeological sites are fragile and non-renewable. Archaeological "recovery" is a destructive process. It is essential that on-site cultural resources be preserved at their existing location for future generations with advanced archaeological techniques that can provide answers to the questions we cannot answer with today's technology and that is non-destructive.

Impacts on cultural resources must be examined in an environmental impact report in light of what has occurred on the Brightwater site to the west.

<u>Cumulative Impacts</u>

In addition to the many significant environmental impacts to be created by the proposed project when considered on its own, the project will contribute to cumulative impacts generated by other, related development in the area, including projects at Brightwater, Parkside, and the Goodell site, which is also currently in process. This will result in significant cumulative impacts on air quality, noise, traffic, loss of habitat, and loss of open space to name a few. It is particularly puzzling that separate MNDs would be processed for the adjacent Ridge and Goodell sites at the same time, rather than examining the impacts of development of the area in one environmental document.

Conclusion

Based on the above, it cannot be assured that no significant adverse impacts will occur as a result of the proposed project. On the contrary, it is likely that impacts can and will occur. Thus, the proposed MND should not be adopted.

Thank you for the opportunity to comment. Please keep us informed as this project proceeds.

Yours Truly,

Sandra L. Genis

ATTACHMENT NO. 4.25

Villasenor, Jennifer

From: PARS11@aol.com
Sent: Thursday, October 01, 2009 6:24 PM
To: Villasenor, Jennifer
Subject: Bolsa Chica Ridge

I am writing to protest the building of another 22 homes, or any homes at all, on the remaining Bolsa Chica area. That this company would choose to build near the Cog Site is an abomination. They just never give up. 22 homes, at or near a sacred site, thousands of years old is a travesty. The developer's greed must be met with firm resolution to preserve this entire area.

Merle Moshiri
8802 Dorsett Dr.
Huntington Beach, CA 92646
714-536-2017

ATTACHMENT NO. 4.2c

Villasenor, Jennifer

From: Karna Bramble [karna.bramble@gmail.com]
Sent: Friday, October 02, 2009 9:52 AM
To: Villasenor, Jennifer
Subject: Bolsa Chica Ridge project

Dear Ms. Villasenor

I am writing as a member of the Bolsa Chica Land Trust to request that you deny the Bolsa Chica Ridge project. I do not believe this is an appropriate project for the area as the few houses that will be built will only benefit a few while the greater good of the area will be lost. Is it not better when we have the chance to protect areas not yet developed? There are always places to build homes, but once built the use of that land is lost forever. We need the open spaces for its environmental impact as well as the opportunity it offers for our children and wildlife.

Again, I request that this project be denied.

Sincerely,

Karna Bramble
Member, BCLT
291 Covina Ave
Long Beach, CA 90803

ATTACHMENT NO. 4.27

Villasenor, Jennifer

From: Barbara Rose [rosehb@verizon.net]
Sent: Saturday, October 03, 2009 12:15 PM
To: Villasenor, Jennifer
Subject: Hearthside development

Gentleman or Gentlewoman,

I am a resident of HB for over 30 years and have watched while developers have systematically covered over acres and acres of open lands. The long fight to preserve the Wedlands seemed to finally be over, but now Hearthside wants to build more huge homes near very sensitive areas. PLEASE stop the building....ENOUGH already. If we cannot preserve this area now, it will be lost forever. I urge you to do all that is possible to defeat this latest project.

Thank you.

Barbara Rose
17281 Blue Fox Circle
Huntington Beach, CA. 92647
(714) 842-7049

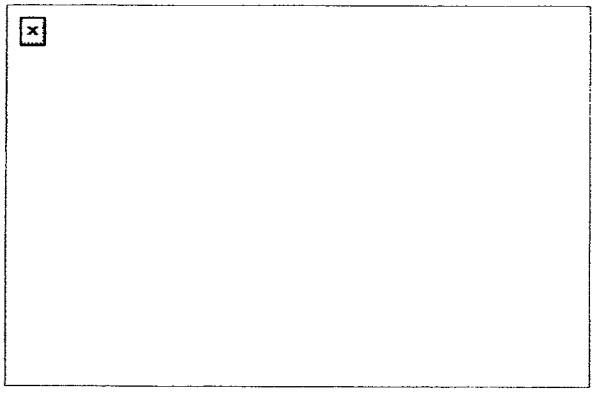
ATTACHMENT NO. 4.28

Villasenor, Jennifer

From: Rita Agustines [jjagust@mac.com]
Sent: Sunday, October 04, 2009 11:23 PM
To: Villasenor, Jennifer
Subject: Los Patos Parksite

Dear Jennifer Villasenor:

I have been a resident of Huntington Beach for 35 years. I am opposed to further development encroaching on the Bolsa Chica Wetlands. This Hearthside Homes project to build another 22 homes on a 5 acre parcel certified "Open Space Park" by the Coastal Commission will have a negative impact on the Wetlands and the wildlife of the Bolsa Chica. We are opposed to this development in the Environmentally Sensitive Habitat Area and next to the Cogged Stone site! Please do not approve this project. This parcel should remain open space park. We are very fortunate to have the Bolsa Chica Wetlands. The residents of Huntington Beach and surrounding communities benefit from this special area. People from all walks of life visit the Wetlands including school children, senior citizens, and handicapped and severely handicapped people. As a community it is our responsibility to protect this special area.



This is a least tern-endangered species- one of many birds at the Bolsa Chica Wetlands. We need to protect their home, and not allow further development. Building 22 homes in a certified open space park will not make the developer very much money and it will not add to the quality of life in Huntington Beach. Allowing this 5 acre open-space park parcel to be developed has the potential to bring harm to the Bolsa Chica Wetlands, and destroy the homes of many rare birds who inhabit the area. We must protect this area for all future generations.

Sincerely,

Rita Agustines
16801 Coral Cay Lane
Huntington Beach, CA 92649

October 4, 2009

ATTACHMENT NO. 4.29

Villasenor, Jennifer

From: Jody Graham [jgraham@socal.rr.com]
Sent: Wednesday, October 07, 2009 3:15 PM
To: Villasenor, Jennifer
Subject: Hearthside plans

Greetings,
I am a Huntington Beach resident writing in opposition to the Hearthside plans to build 22 houses in an area designated for open spaces and adjacent to both an environmentally sensitave habitat area and a site that should be preserved for historic reasons. I am also opposed to the additional traffic and infrastructure burdens this project will introduce. Please reject their proposal.

Thank you,
Jody Graham
Huntington Beach

ATTACHMENT NO. 4.30

October 7, 2009

City of Huntington Beach
Planning Department
ATTN: Jennifer Villasenor
2000 Main St.
Huntington Beach, CA 92648

Re: "The Ridge" Environmental Assessment No. 08-016

Dear Ms. Villasenor,

I am writing to express the following concerns with "The Ridge" Environmental Assessment No. 08-016.

No Public Benefit from City-owned Strip Improvement

The EA claims a "public benefit" from improvement of the adjacent 30-foot wide City-owned parcel, asserting that it will improve coastal access opportunities. That city parcel is already heavily used by hikers, bikers, and others for coastal access to the unimproved informal trails of the Shea property, and improvement as part of The Ridge will do nothing to increase the level of access. Therefore it is inaccurate of the EA to claim a public access benefit.

Here is a photo showing typical hiker/biker access via the unimproved city parcel:

ATTACHMENT NO. 4.31

Drainage Alterations will Impact the Shea AP/EPA Wetlands

Development of "The Ridge" will reduce surface sheet flows of stormwater into the nearby Shea AP/EPA wetlands. The attached Exponent drainage study was submitted by Shea as part of the November 2007 CCC Parkside LCPA hearing and shows that a sizable portion of "The Ridge" is part of the drainage area that drains into the AP/EPA wetlands.

Shea maintained and the CCC concurred that the AP/EPA wetlands are the result of stormwater surface sheet flows rather than groundwater. Thus, development of "The Ridge" will redirect a portion of these sheet flows via infiltration and a storm drain, which will cause significant negative impacts to the AP/EPA wetlands.

Insufficient Setback from Shea Eucalyptus ESHA

The EA states that the closest residential lot is 160 feet from the ESHA. However, the CCC-approved Parkside LCPA requires a much greater ESHA setback for the Parkside development:

> "A minimum buffer width of 297 to 650 feet shall be established between all residential development or active park use and raptor habitat within the eucalyptus groves."

The Ridge should be held to the same 297-foot setback standard as Shea Parkside. The EA is flawed in using tree-top height relative to pad height as justification for less than significant impact upon the ESHA. The EA neglects to mention that the Shea property slopes gently downward from the eastern edge of The Ridge down to the base of the eucalyptus ESHA. Thus while the tree-top heights may only be a few feet taller than the pad heights, because of the slope of the terrain, raptors perching or nesting well below tree-top height will still have an unimpeded view of The Ridge and be exposed to associated noise, lighting, and other visual impacts not considered by the EA. This will result in significant negative impacts to raptor usage of the eucalyptus ESHA.

EIR Required

Given the significant negative impacts to the wetlands and ESHA of the adjacent Shea property, an EIR should be required for "The Ridge", and the project should be redesigned to mitigate these impacts to less than significant.

Sincerely,

Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachments:
Exponent drainage study

ATTACHMENT NO. 4.3

Exponent
Failure Analysis Associates®

Technical Memorandum

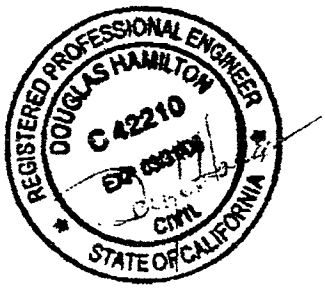
Water Availability Estimates for the EPA Area at the Shea Homes Property

Prepared for

Mr. Ron Metzler
Shea Homes
603 South Valencia Avenue
Brea, CA 92823

Prepared by

Doug Hamilton
Exponent
320 Goddard, Suite 200
Irvine, CA 92618



October 5, 2007

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ATTACHMENT NO. 4.33

Executive Summary

The analysis presented herein is a water balance created to calculate the maximum amount of water that is available on an annual basis to an approximately 8-acre area at the northwest corner of the Shea Homes property, formerly delineated by the EPA as a wetland. The objective of this water balance is to use available data (e.g., rainfall records, soils and land use information, and water demand of wetland plants) for the 8-acre area to create an accounting system that tracks the rainfall, infiltration losses, and contributing runoff to quantify the maximum amount of water that is available to wetland plants. If the long-term maximum amount of available water based on rainfall, infiltration losses, and runoff is less than the amount of water necessary for wetland plants to survive, then the area does not have sufficient water to support a wetland. More complex analyses that consider factors such as estimates for evaporation (over ponded locations), and transpiration (release of water vapor from vegetation) are excluded. This makes the water availability calculations presented in this report conservative over-estimates of the actual amount of water available for assessment of wetland viability.

Financial Accounting Analogy to Hydrologic Water Balance

The hydrologic water balance presented in this memorandum can be compared to a financial accounting system, similar to a standard checking account. Income or deposits to an account are similar to the inflow of rain and runoff over a watershed area. Expenses or withdrawals from an account are similar to the infiltration losses (absorption of water by soil) and other watershed losses experienced on the natural landscape. When one balances an account, determining the difference between deposits and withdrawals, the total remaining in the account is analogous to the maximum water availability in the watershed. Periods of high income and/or low expenses correspond to high savings; whereas periods of low income and/or high expenses correspond to lower savings. Similarly, periods of high amounts of rainfall generally correspond to periods when the water availability is greatest in a watershed, and periods of low rainfall correspond to periods when the water availability is lower. To be fiscally conservative, one would want to

ATTACHMENT NO. 4.34

keep expenses both realistic and proportional to one's income in order to maximize one's savings. As such, in this water balance, conservatively low infiltration loss rates are selected based on published values, and losses are taken to be proportional to the rainfall totals recorded to estimate the maximum possible water availability.

Summary of Results of Water Balance

The results from all drainage area conditions indicate that while there are occasional years when the water availability estimates exceed the threshold value of 24.6 inches (the minimum water demand for wetland plants), in the majority of years this is not the case. The percentage of years when the water availability estimates are less than 24.6 inches ranges from a low of 72.3 percent to a high of 91.5 percent for the various drainage area conditions. Table 1 provides a summary of the results.

Table 1. Summary of water availability estimates.

Watershed Condition	Median Water Availability in	Years with Available Water Greater Than or Equal to 24.6 inches	Years with Available Water Less Than 24.6 inches	Maximum Water Available for this Watershed Condition in	Minimum Water Available for this Watershed Condition in
1970	13.86	14.9%	85.1%	35.09	4.10
1980	14.23	17.0%	83.0%	36.02	4.20
1980a	18.80	27.7%	72.3%	47.60	5.56
1997	11.60	8.5%	91.5%	29.37	3.43
2005	14.07	17.0%	83.0%	35.62	4.16

ATTACHMENT NO. 4.35

Water Availability Estimates for the EPA Area at the Shea Homes Property

Introduction

Exponent was requested to revisit the October 2006 studies of the annual availability of water to potential ponding areas located at the Shea Homes property. The objectives of the current work include using daily precipitation data for a 47-year period of record, as opposed to a 29-year subset, evaluating the relevancy of incorporating evapotranspiration losses in the calculation of water availability, considering the 8-acre EPA area paired with four different corresponding contributing watershed areas, and analyzing one scenario with the 8-acre EPA area paired with watershed areas with different loss rates. Ultimately, the goal of this work is to determine the median water availability estimates at the 8-acre potential ponding area for each of the five drainage area scenarios.

Previous Work

In October 2006, Exponent presented annual water availability estimates for three conditions at the Shea Homes site: WP Post-2005[1], WP Pre-2005[2], and CP Pre-2005[3]. Each condition had a unique pairing of direct and contributing watershed areas, summarized in Table 2. A schematic illustrating the types of areas and values included in the annual water availability estimates is presented in Figure 1.

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[1] "Water Availability Estimate for WP Post-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

[2] "Water Availability Estimate for WP Pre-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

[3] "Water Availability Estimate for CP Pre-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

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Table 2. Summary of direct and contributing watershed areas.

Condition	Direct Area Acres	Contributing Watershed Area acres
WP Post-2005	0.97	1.57
WP Pre-2005	0.97	2.67
CP Pre-2005	1.00	8.23

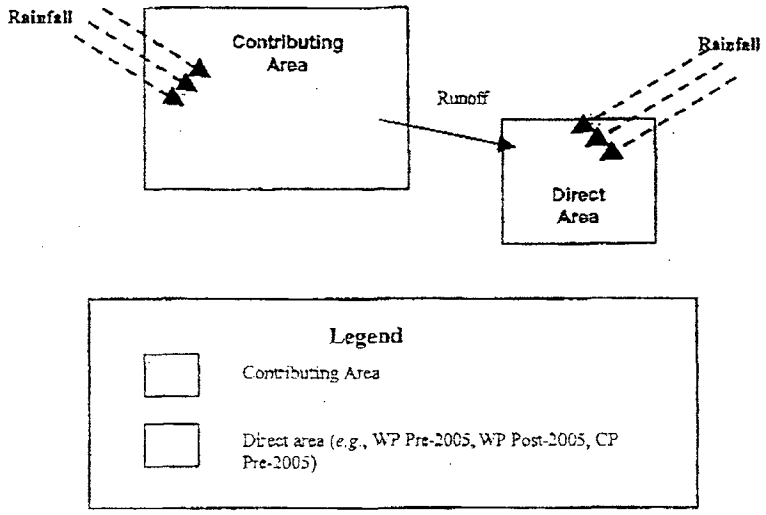

Figure 1. Schematic of areas and input included in October 2006 Exponent water availability estimates.

Hourly rainfall data from the Long Beach Daugherty Gage from 1977 to 2005 (29-year period of record) and a loss rate of 0.2 inches/hour (conservatively selected for Soil Group D) published in the Orange County Hydrology Manual were used to calculate the water availability for these conditions. Figure 2 shows the annual rainfall depths recorded at the Daugherty Gage.

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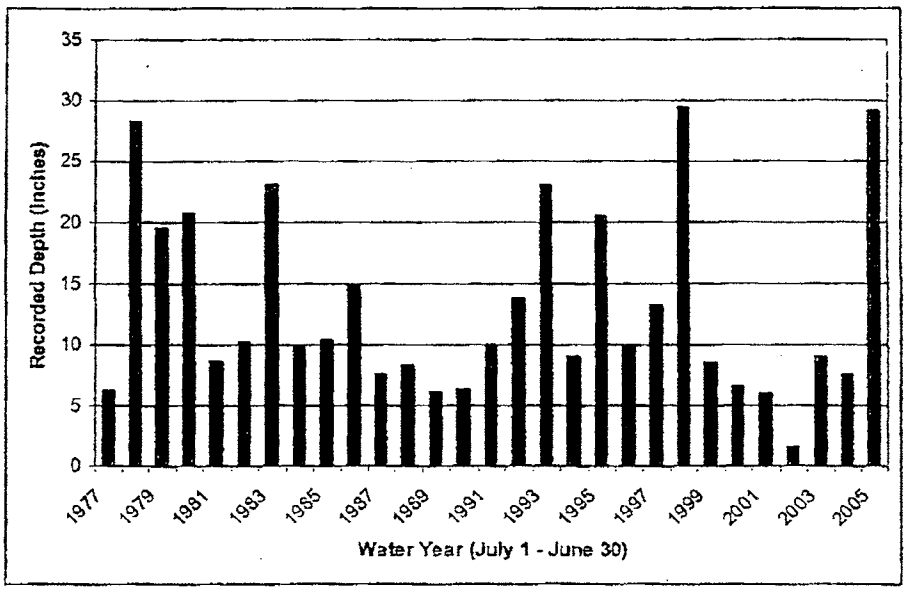

Figure 2. Total annual rainfall at Long Beach Daugherty Gage.

The total amount of water available to the direct area was determined by adding the volume of rainfall that fell on the direct area to the volume of water that flowed as runoff from the contributing watershed area to the direct area. The annual available water was calculated using the growing season definition of a water year beginning July 1 of the previous year and ending June 30 of the designated year. For example, the 2005 water year begins July 1, 2004 and ends June 30, 2005.

A summary of the results of this study can be found in Table 3. These results illustrated the variability in water availability based on the measurements for the direct and contributing watershed areas. Overall, the median annual available water estimates ranged from 11.53 inches to 20.81 inches. Importantly, the average rainfall loss incurred over the period of record was approximately 87 percent. This loss varied from about 80 percent to about 97 percent for 28 out of 29 years. The exception was 63.9 percent in 1978. The spread of the loss is fairly narrow, and the mean (86.8 percent) and median (87.2 percent) are very close together. Because

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the variability across years is very small, the use of a single average value is appropriate. This observation was applied to the current analysis, assuming that for most years, the average rainfall loss values would be close to 87 percent.

Table 3. Summary of results from October 2006 Exponent Water Availability Estimates.

Condition	Median In	Maximum in	Year of Maximum	Minimum in	Year of Minimum
WP Post-2005	11.53	44.81	1978	1.89	2002
WP Pre-2005	13.25	56.40	1978	2.12	2002
CP Pre-2005	20.81	112.38	1978	3.22	2002

Using the wetland plant water needs in the Glenn Lukos Associates October 2006 memorandum[4] to Coastal Commission staff, the minimum available water required of wetland vegetation was 24.6 inches per year, based on the annual wetland plant species with the lowest water demands. Perennial wetland species require about twice as much water, or more, per year. These results indicated that wetland species would not be supported based on the surface water availability estimates, in the majority of years.

Current Analysis

As in the October 2006 analysis, the total amount of water available to the potential wetland area (analogous to the direct area in the previous study) is calculated by adding the volume of rainfall over the potential ponding area to the volume of water that flows as runoff from the contributing watershed area to the potential ponding area. The important differences between the previous and current studies relate to the precipitation and loss data available and the defined potential ponding area and contributing watershed areas.

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[4] "Water Balance/Budget for WP and CP and Evaluation of Vegetation in WP and AP using Prevalence Index", Glen Lukos Associates memorandum to Dr. J. Dixon, and M. Vaughn, T. Bomkamp, October 31, 2006.

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Precipitation Data

In the current analysis, a key objective is to expand the climatic period of record considered in order to obtain a broader understanding of the conditions at the potential ponding site over a longer time period. In doing so, daily rainfall data from the Orange County Los Alamitos Gage record for 1959 to 2005 is used. Figure 3 shows the annual rainfall depths recorded at the Los Alamitos Gage.

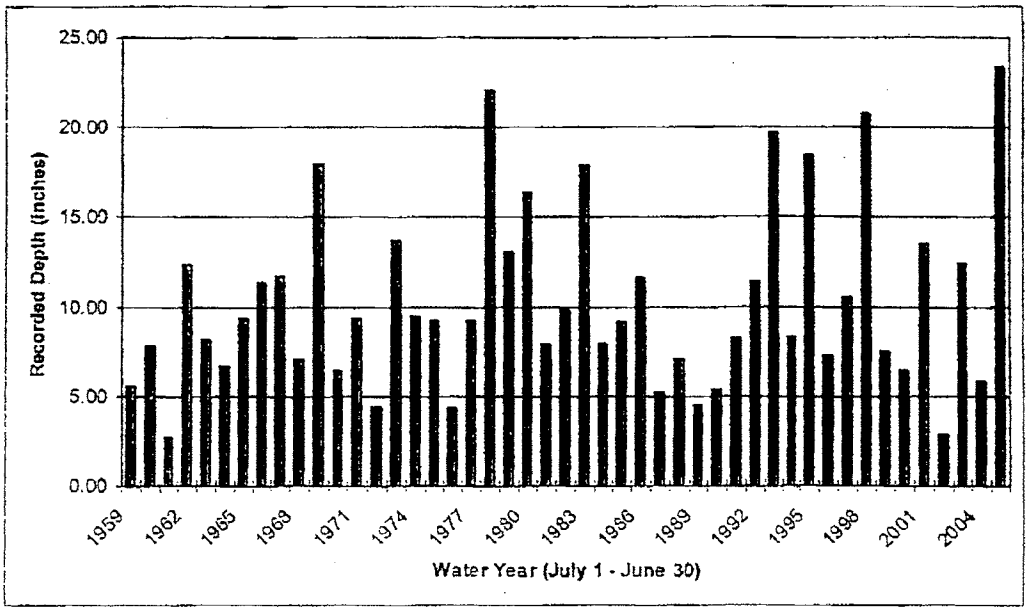

Figure 3. Total annual rainfall at Orange County Los Alamitos Gage.

Comparing the time period when the Long Beach (hourly, summed to daily) and Orange County (daily) precipitation gage records overlap, the recorded depths at the Long Beach gage are generally slightly higher than those at the Orange County gage. The Long Beach gage recorded depth is less than that recorded at the Orange County gage for only four of the years when the gage records overlap. In general, however, the magnitudes of the recorded values are similar. Figure 4 presents a comparison of the annual precipitation totals at each of the gages.

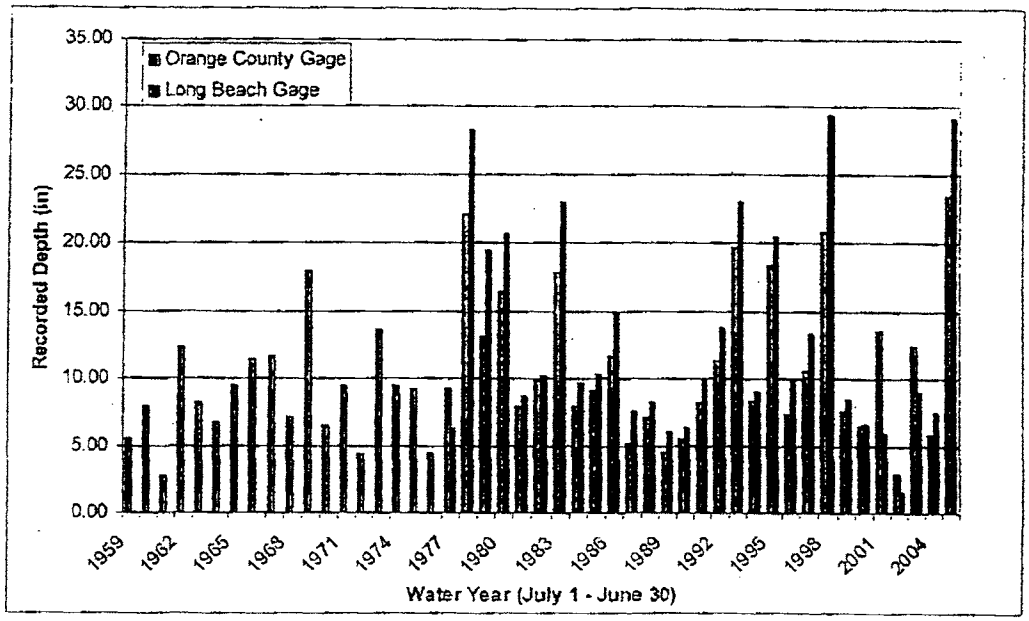

Figure 4. Comparison of recorded precipitation depths at Long Beach Daugherty and Orange County Los Alamitos gages.

Infiltration Losses

To account for infiltration losses, it was not possible to directly incorporate the hourly loss rate published in the Orange County Hydrology Manual since the available data from the Los Alamitos Gage is recorded daily. Therefore, the results from the previous work with hourly rainfall data from Long Beach were consulted. The calculations from the October 2006 study indicate that over the 29-year period of record, approximately 87 percent of rainfall is lost as infiltration.

Since the climatic conditions at both gages are not decidedly different, as evidenced by the similarity in the magnitudes of the recorded precipitation values and the geographic proximity of the gages, it is expected that the intensities of the storm events would generally be similar at both locales. The intensity of a given storm event contributes to the amount of infiltration losses. To maintain consistency with the Long Beach work and to objectively apply losses to

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the daily data, an 87 percent average rainfall loss was applied to calculate the excess water available for runoff from all of the contributing watershed areas for the 1970, 1980, 1997, and 2005 drainage area conditions.

The 1980 drainage area condition is of particular interest because the extent of potential wetlands were based on the 1980 topography, in conjunction with two aerial photographs from March 1982, analyzed by Thomas Bilhorn[5]. An alternate evaluation of the runoff conditions is considered for the 1980 drainage areas and is referred to as the 1980a scenario. In this case, because of the possibility that runoff from the 22-acre Cabo del Mar area could have been higher due to the modifications in soil conditions resulting from construction occurring at the site, two different loss rates are applied to the contributing watershed areas. An 87 percent average loss, based on a 0.2 inch/hour loss rate, is applied to the tributary area, and a 69 percent average loss is applied to the Cabo del Mar diversion. This new loss rate is determined by conservatively assuming a 0.1 inch/hour loss rate for storm events recorded at the Long Beach precipitation gage. (This assumes a loss rate that is 50 percent lower than estimated for Soil Group D in the Orange County Hydrology Manual.) Over the period of record at the Long Beach gage, the average loss is approximately 69 percent.

Potential Evaporation

It should be noted that incorporating potential evapotranspiration losses in this water balance was also considered; however, it was not included in this analysis. Evapotranspiration is a process by which water (in liquid or solid phase) stored on the land surface – in open bodies of water, plant leaves, exposed soil, *etc.* is converted to water vapor. It is a complicated value to estimate, dependent on many factors including wind, vapor pressure, relative humidity, solar radiation, air temperature, and water availability. Thus, it is difficult to accurately account for and incorporate such losses in a simple water balance model with readily available data. In any

[5] "Agricultural Area Delineation, Bolsa Chica, Orange County, California", Prepared for the Signal Bolsa Corporation, T. W. Bilhorn, 1987.

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case, including evapotranspiration losses would serve to further reduce the water available to the potential ponding area. Therefore, the water availability estimates presented here are conservative estimates of the annual maximum water availability.

Analysis

Once the annual water availability estimates were calculated for each drainage area scenario, the median water availability was determined. The median value corresponds to the 50th percentile of water availability estimates. At the median of a population of values, one half of the values are greater than the median value and the second half of the values are less than the median.

Wetland delineation authorities, including the California Coastal Commission, have stated that any wetland criterion must be exhibited in an area in the majority of years. For the particular criterion of water availability, the test is water availability of 24.6 inches or more in a majority of years for the most drought tolerant annual wetland indicator species with an indicator status of Facultative (FAC) or wetter. In this study, this criterion is evaluated with the median water availability, defined to be the value such that half of the years considered would have a water availability estimate greater than the median, and half of the years considered would have a water availability estimate less than the median. If the median value is greater than 24.6 inches, more than half of the years would have a water availability of 24.6 inches or more; conversely, if the median is less than 24.6 inches, less than half of the years would have a water availability of 24.6 inches or more. Thus the median water availability measures whether favorable conditions would exist for the most drought tolerant wetland indicator species to be sustained in a majority of years. To meet the threshold water availability value required for wetland vegetation to grow in a majority of years, the median water availability must be greater than 24.6 inches.

Water Availability Estimates

In this analysis, five different drainage scenarios are considered. Four of the scenarios (for 1970, 1980, 1997, and 2005) are evaluated based on drainage area maps prepared by Hunsaker

and Associates for the Shea Homes property, delineating various drainages at the site based on land use conditions from those years. In these scenarios an 87 percent average rainfall loss is applied to all of the contributing drainage areas. A fifth scenario, labeled as 1980a, assumes different average rainfall losses for two different soil conditions at the tributary and off-site drainage areas, as previously described. In all five scenarios, an 8-acre potential ponding area coupled with different contributing watershed areas are studied. The drainage area maps are shown as Figures 5 through 9. Using the areas shown on these plans and a nominal 8-acre potential ponding area, the watershed area contributing runoff to the potential ponding area for each map is calculated. Also included in the calculations, but not shown on the maps of the contributing watershed areas for 1970, 1980, 1997, and 2005, are the temporary contributions of runoff diverted from the Harbor Bluffs alone (5 acres) and the Harbor Bluffs plus Cabo del Mar (22 acres) off-site areas. These temporary diversions were 5 acres under the 1970 drainage area condition and 22 acres under the 1980 drainage area condition. The latter scenario is investigated as 1980a. A general schematic illustrating the relationships among the areas used in the calculation of the water availability estimates is shown in Figure 10.

Additionally, for each of the five scenarios, an estimated tributary watershed area was calculated that would generate a median water availability of 24.6 inches of rainfall based on the total areas determined from the Hunsaker and Associates drainage area maps. A summary of the areas used for each scenario is shown in Table 4.

Table 4. Area summaries for four scenarios evaluated using Los Alamitos Gage data.

Condition	Total Area	Contributing Watershed Areas		
		Tributary Area	Off-Site Area	Direct Area
	Acres	Acres	acres	acres
1970	38.77	25.77	5.00	8.00
1980	41.23	11.23	22.00	8.00
1997	23.74	15.74	0.00	8.00
2005	40.17	32.17	0.00	8.00

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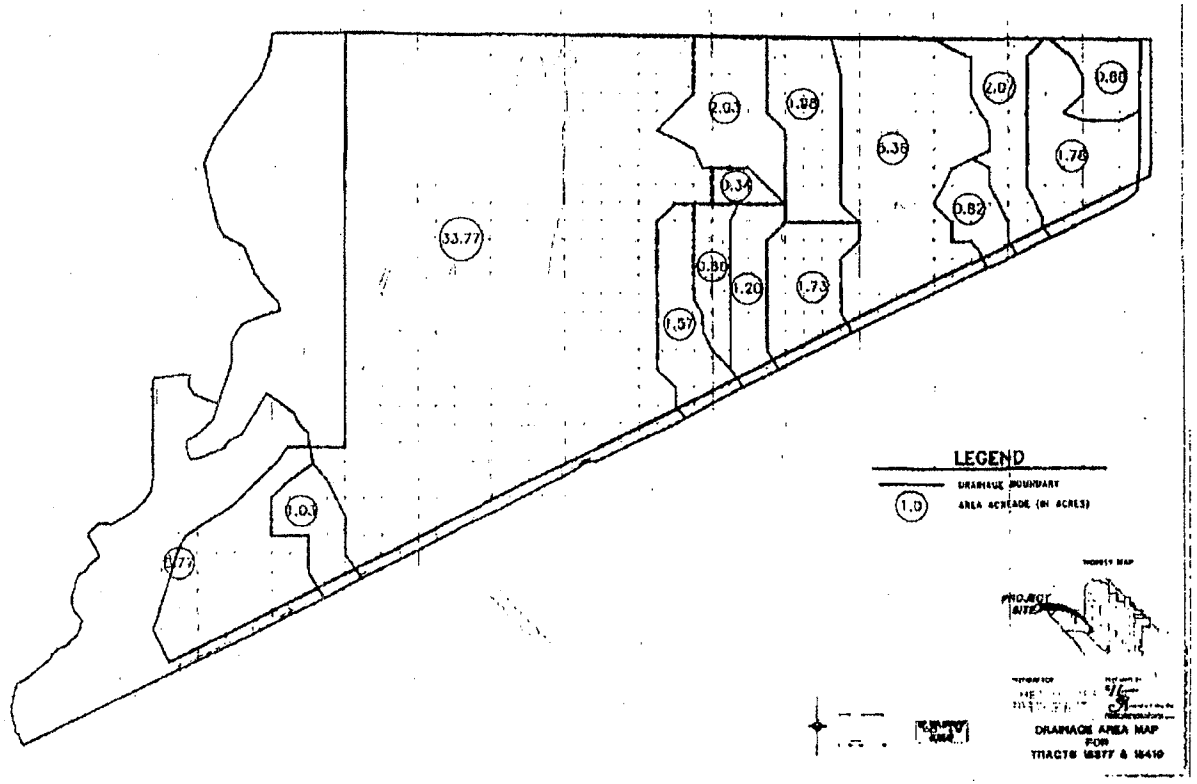

Figure 5. 1970 Hunsaker and Associates drainage area map. Total drainage area: 33.77 acres plus 5-acre diversion from north (not illustrated) = 38.77 acres.

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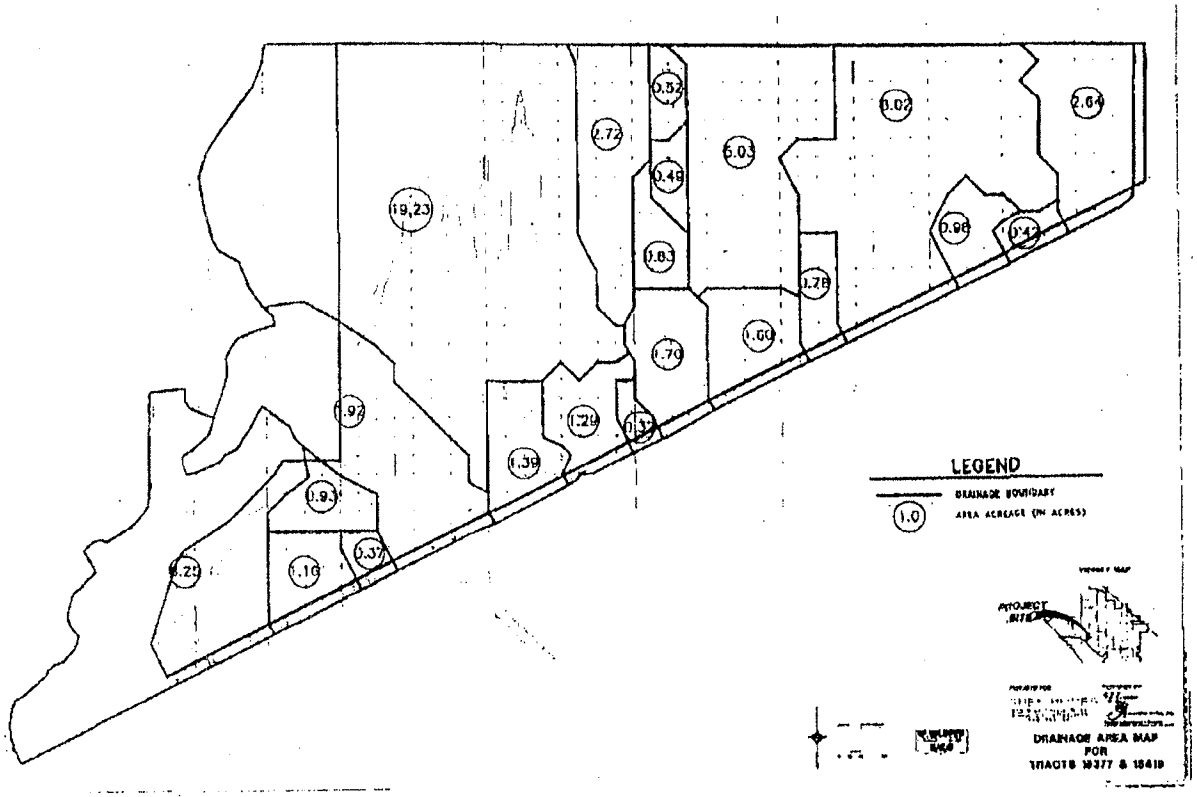

Figure 6. 1980 Hunsaker and Associates drainage area map. Total drainage area: 19.23 acres plus 22-acre diversion from north (not illustrated) = 41.23 acres.

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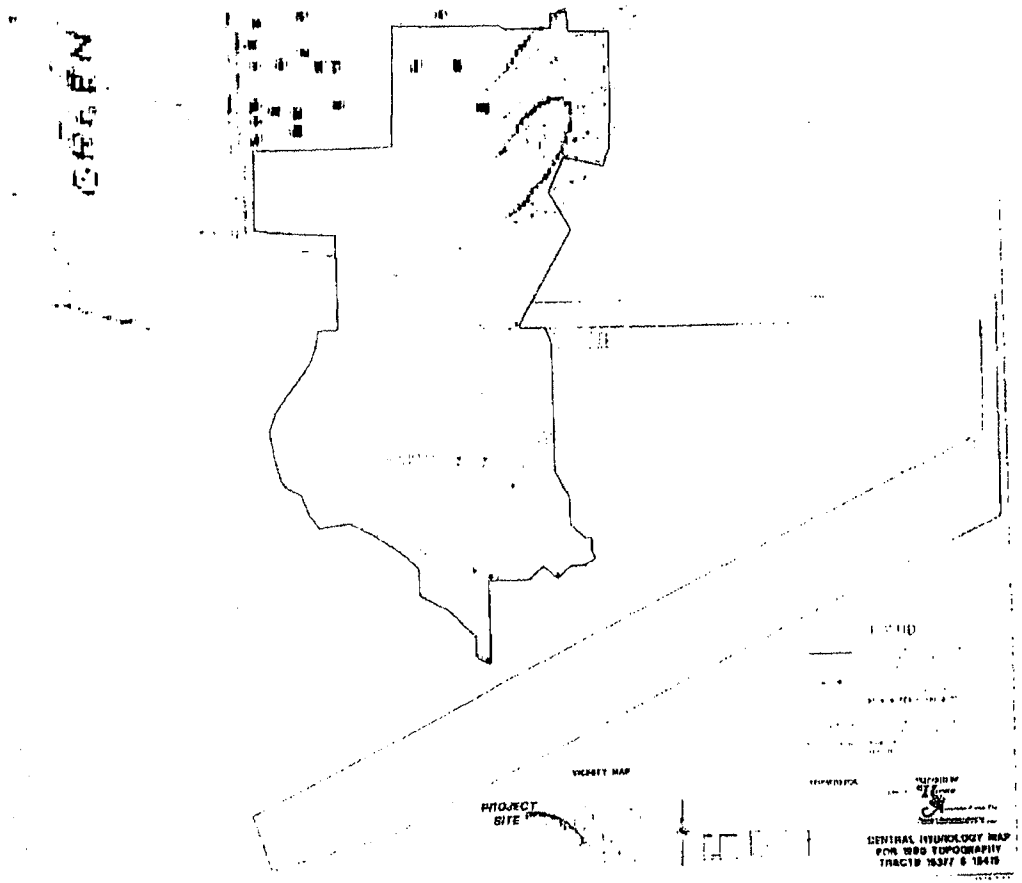

Figure 7. 1980a Hunsaker and Associates drainage area map. Black line delineates total drainage area. Total drainage area: 19.23 acres plus 22-acre diversion from north (illustrated) = 41.23 acres. Infiltration loss of 87% applied to 11.23-acre tributary area, and 69% applied to 22-acre off-site tributary area.

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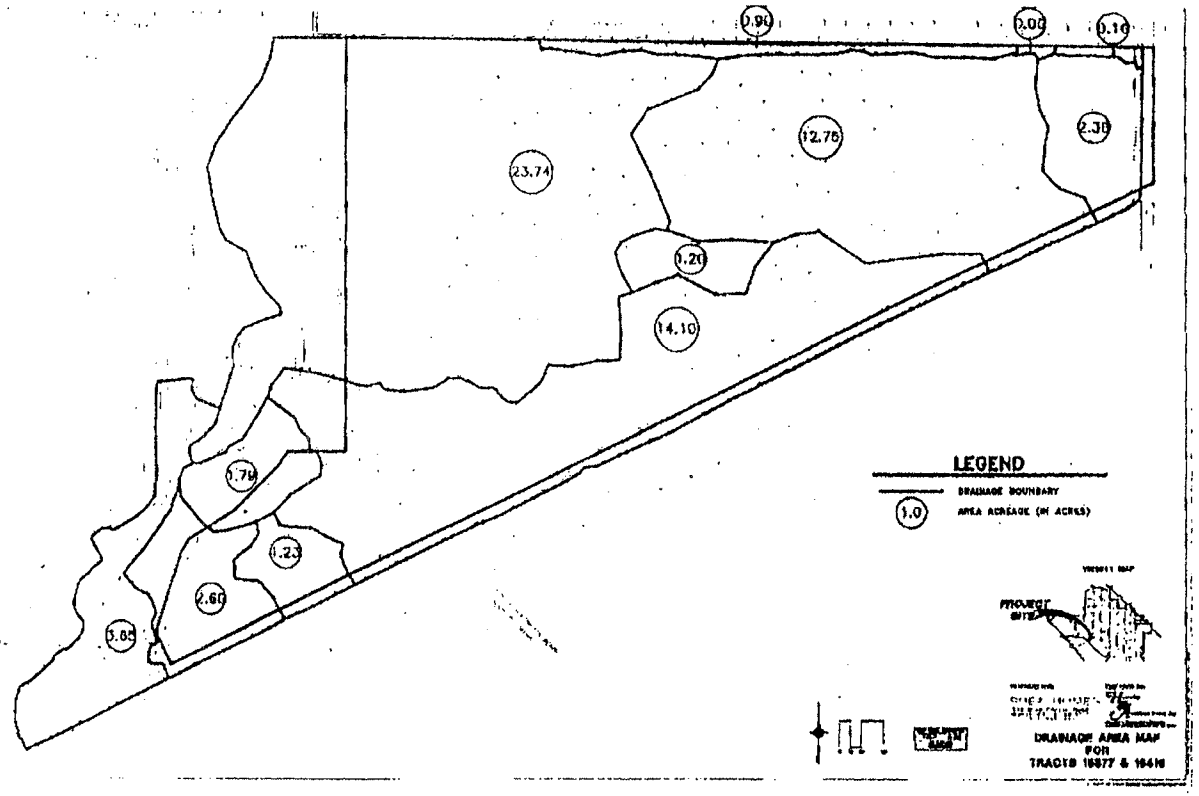

Figure 8. 1997 Hunsaker and Associates drainage area map. Total drainage area: 23.74 acres.

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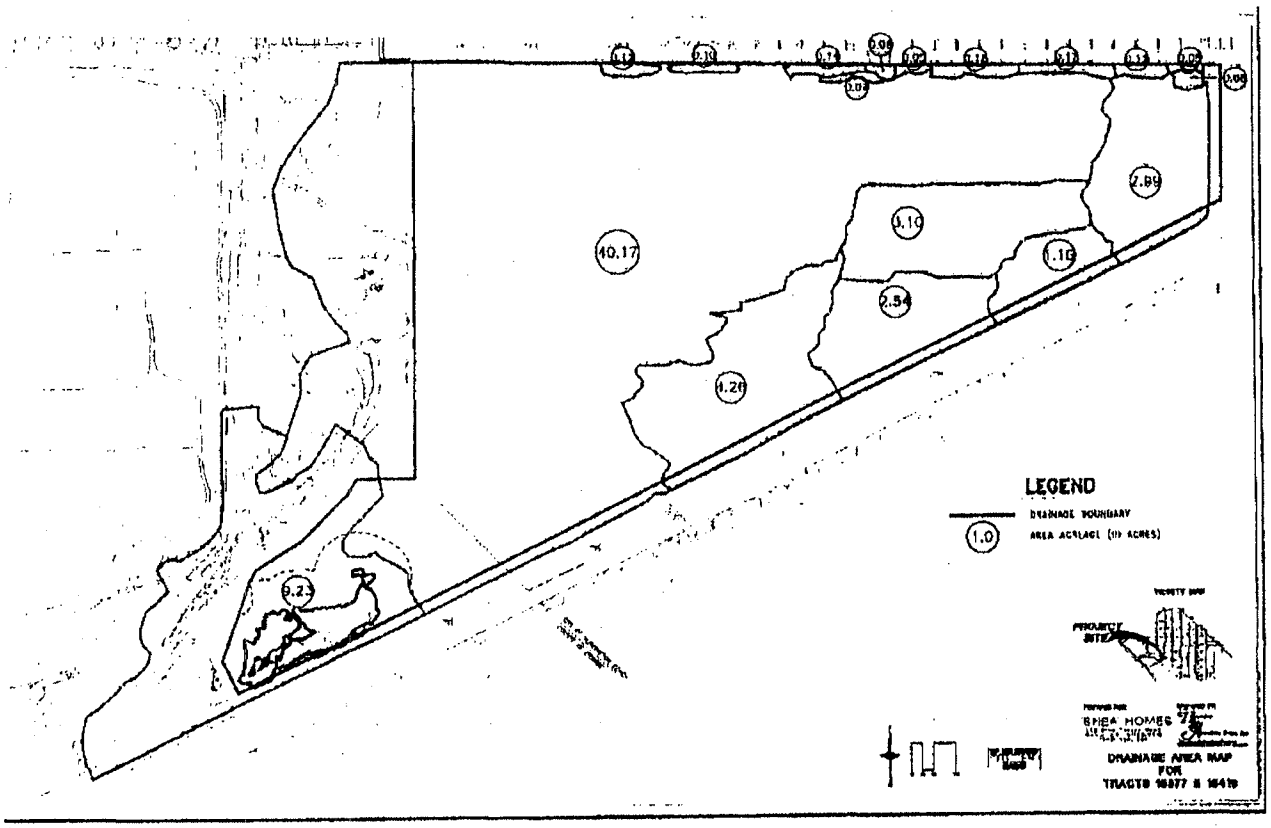

Figure 9. 2005 Hunsaker and Associates drainage area map. Drainage area 40.17 acres.

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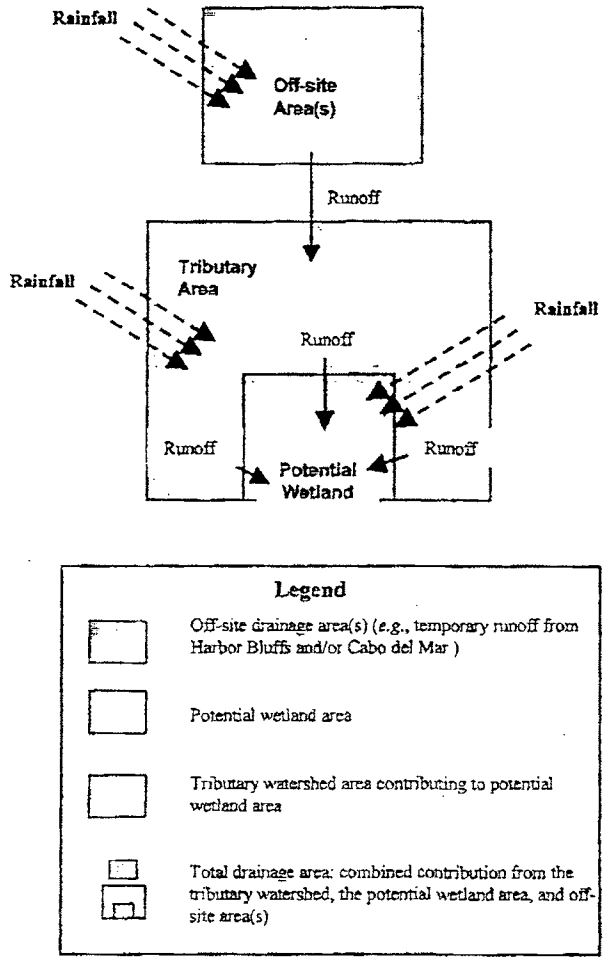

Figure 10. Schematic of areas and input included in September 2007 Exponent water availability estimates.

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1970

The 1970 drainage area scenario has a total area of 38.77 acres, of which 25.77 acres are from the tributary drainage area, 5 acres are temporarily diverted from the Harbor Bluffs development, and 8 acres are designated as the potential ponding area. Figure 11 presents the annual water availability estimates for the 1970 scenario. The median water availability is 13.86 inches. The annual water availability ranges from a high of 35.09 inches in 2005 to a low of 4.10 inches in 1961. The water availability in 1970 is 9.66 inches, below the median for the period of record and less than the minimum 24.6 inches required for wetland vegetation. Of the 47 years analyzed, 85.1 percent of years have a water availability estimate less than or equal to 24.6 inches. Only seven years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.81-acre potential ponding area, with a 35.96-acre drainage area, would have a median water availability of 24.6 inches.

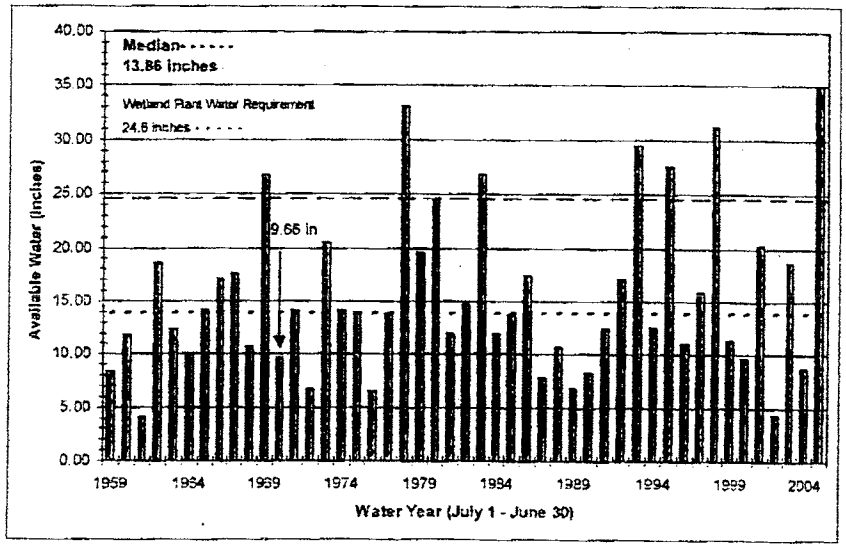

Figure 11. 1970 Drainage Areas - water availability estimates for potential ponding area by water year.

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1980

The 1980 drainage area scenario has a total area of 41.23 acres, of which 11.23 acres are from the tributary drainage area, 22 acres are temporarily diverted from the Harbor Bluffs and Cabo del Mar developments, and 8 acres are designated as the potential ponding area. Figure 12 presents the annual water availability estimates for the 1980 scenario. The median water availability is 14.23 inches. The annual water availability ranges from a high of 36.02 inches in 2005 to a low of 4.20 inches in 1961. The water availability in 1980 is 25.21 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 83 percent of years have a water availability estimate less than or equal to 24.6 inches. Only eight years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.99-acre potential ponding area, with a 38.24-acre drainage area, would have a median water availability of 24.6 inches.

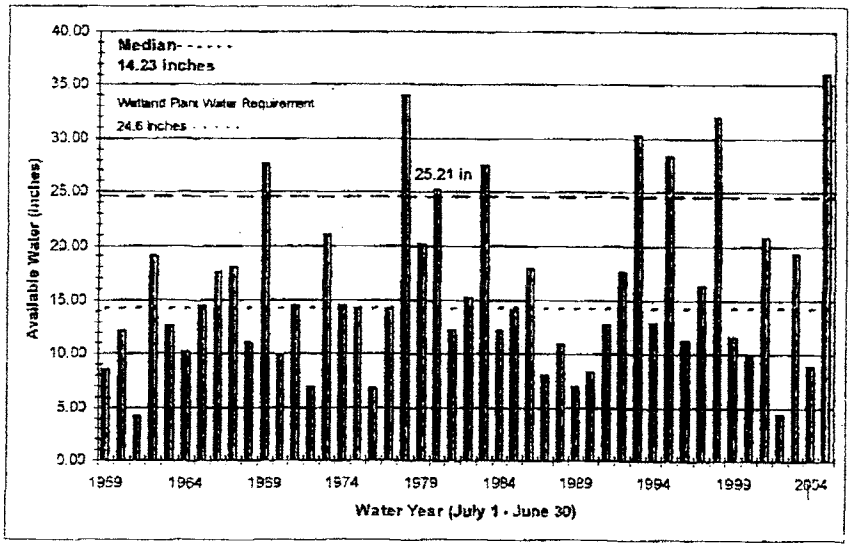

Figure 12. 1980 Drainage Areas - water availability estimates for potential ponding area by water year.

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1980a

The 1980a drainage area scenario has a total area of 41.23 acres, of which 11.23 acres are from the tributary drainage area, 22 acres are temporarily diverted from the Harbor Bluffs and Cabo del Mar developments, and 8 acres are designated as the potential ponding area. As previously described, an 87 percent loss rate is applied to the tributary drainage area and a 69 percent loss rate is applied to the temporary diversion. Figure 13 presents the annual water availability estimates for the 1980a scenario. The median water availability is 18.80 inches. The annual water availability ranges from a high of 47.60 inches in 2005 to a low of 5.56 inches in 1961. The water availability in 1980 is 33.31 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 72.3 percent of years have a water availability estimate less than or equal to 24.6 inches. Only 13 years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 5.2-acre potential ponding area, with a 36.03-acre drainage area, would have a median water availability of 24.6 inches.

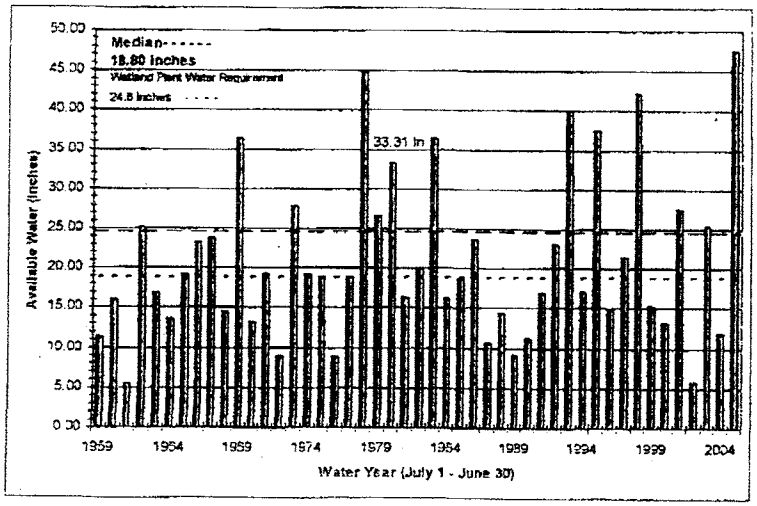


Figure 13. 1980a Drainage Areas - water availability estimates for potential ponding area by water year.

ATTACHMENT NO. 4.53

1997

The 1997 drainage area scenario has a total area of 23.74 acres, of which 15.74 acres are from the tributary watershed area (no diversion) and 8 acres are designated as the potential ponding area. Figure 14 presents the annual water availability estimates for the 1997 scenario. The median water availability is 11.60 inches. The annual water availability ranges from a high of 29.37 inches in 2005 to a low of 3.43 inches in 1961. The water availability in 1997 is 13.31 inches, less than the median for the period of record and less than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 91.5 percent of years have a water availability estimate less than or equal to 24.6 inches. Only four years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 1.72-acre potential ponding area, with a 22.02-acre drainage area, would have a median water availability of 24.6 inches.

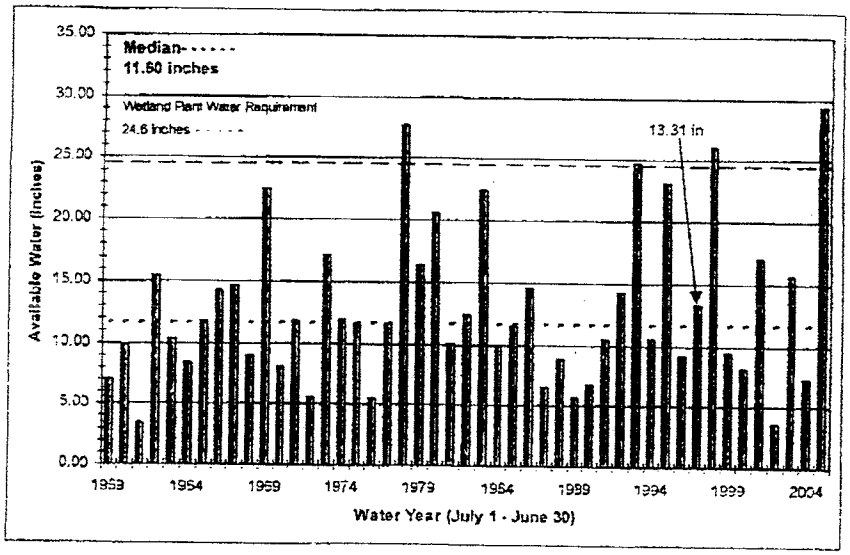


Figure 14. 1997 Drainage Areas - water availability estimates for potential ponding area by water year.

ATTACHMENT NO. 4.54

2005

The 2005 drainage area scenario has a total area of 40.17 acres, of which 32.17 acres are from the tributary drainage area (no diversion) and 8 acres are designated as the potential ponding area. Figure 15 presents the annual water availability estimates for the 2005 scenario. The median water availability is 14.07 inches. The annual water availability ranges from a high of 35.62 inches in 2005 to a low of 4.16 inches in 1961. The water availability in 2005 is 35.62 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 83 percent of years have a water availability estimate less than or equal to 24.6 inches. Only eight years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.91-acre potential ponding area, with a 37.26-acre drainage area, would have a median water availability of 24.6 inches.

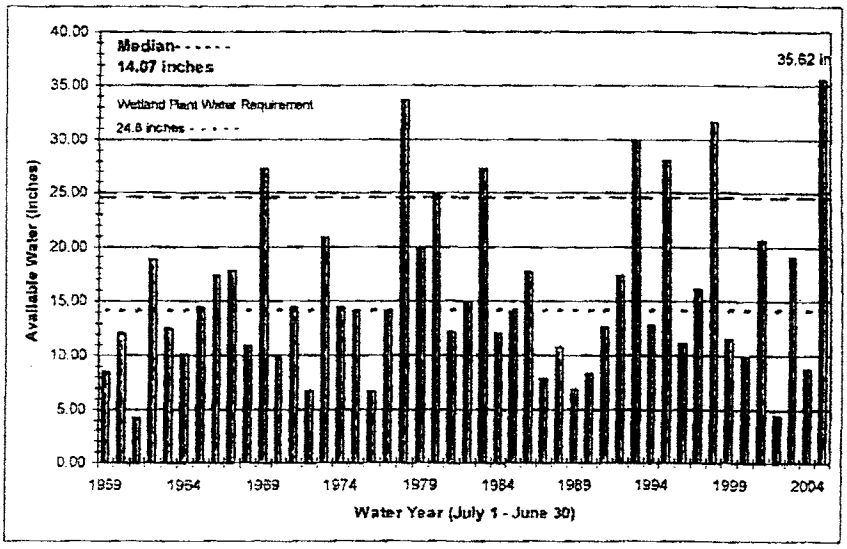


Figure 15. 2005 Drainage Areas - water availability estimates for potential ponding area by water year.

ATTACHMENT NO. 4.55

Conclusions

The results from all drainage area conditions indicate that while there are occasional years when the water availability estimates exceed the threshold value of 24.6 inches, in the majority of years this is not the case. Table 5 provides a summary of the water availability estimates. The percentage of years when the water availability estimates are less than 24.6 inches ranges from a low of 72.3 percent to a high of 91.5 percent for the various drainage area conditions.

Table 5. Summary of water availability estimates.

Watershed Condition	Median Water Availability in	Years with Available Water Greater Than or Equal to 24.6 inches	Years with Available Water Less Than 24.6 inches	Maximum Water Available for this Watershed Condition in	Minimum Water Available for this Watershed Condition in
1970	13.86	14.9%	85.1%	35.09	4.10
1980	14.23	17.0%	83.0%	36.02	4.20
1980a	18.80	27.7%	72.3%	47.60	5.56
1997	11.60	8.5%	91.5%	29.37	3.43
2005	14.07	17.0%	83.0%	35.62	4.16

Evaluating the potential for additional runoff generated by the Harbor Bluffs and Cabo del Mar diversions illustrates how the water availability estimates increase with a decrease in estimated infiltration. As a result, a maximum of 5.2 acres of annual wetland vegetation might hypothetically be supported with a 36.03-acre tributary area.

The results observed using the Orange County Los Alamitos precipitation gage data and the drainage areas from 1970, 1980, 1980a, 1997, and 2005 are consistent with the results observed using the Long Beach Daugherty precipitation gage and the areas determined for the WP Pre-2005, WP Post-2005, and CP Pre-2005.

ATTACHMENT NO. 4.5e

October 8, 2009

City of Huntington Beach
Attn: Jennifer Villasenor, Planning
2000 Main St
Huntington Beach, CA 92648

RE: Environmental Assessment No. 2008-016 "The Ridge"

Ms. Villasenor,

I have the following public comments, concerns, and questions (MND original text in CAPS, since the City does not provide a copy/paste version):

Page 2: Public Benefit

"THE FIRST PUBLIC BENEFIT IS THE IMPROVEMENT OF AN EXISTING 30-FOOT WIDE CITY-OWNED PARCEL IMMEDIATELY NORTH OF THE PROJECT SITE. THE PARCEL IS CURRENTLY UNDEVELOPED AND WOULD BE IMPROVED WITH A 6-FOOT WIDE MEANDERING TRAIL AND LANDSCAPING BUFFER THAT WOULD CONNECT TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY EAST OF THE PROJECT SITE TO PROVIDE ACCESS TO THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET, THEREBY IMRPOVING COASTAL ACCESS OPPORTUNITIES IN THE BOLSA CHICA AREA."

The MND's claims of the so-called "public benefits" of this project are without merit.

1) Public Benefit Claim #1: "provide access"/ "improved access opportunities":

The MND repeatedly notes the "30-FOOT WIDE CITY-OWNED PARCEL", but I do not see anywhere where it states the LENGTH (distance) of this parcel. 30 feet by how long? Google Earth says about 425 feet, or less than $1/10^{th}$ of a mile.

The MND does not state if the City-owned parcel is accessible to the public now (whether people can walk on it). The public has access to the parcel now.

The MND does not state if the City-owned parcel connects to the informal Shea path now. The parcel connects to the Shea path now.

The MND does not state the condition of the informal Shea path. The informal path is unpaved, steep in parts, without rails or stairs. And the Shea path itself does not connect to the coast, but to another path (the Levee trail) that leads to the coast. The entire coastal access route from this point is over a mile long, uneven and unpaved.

ATTACHMENT NO. 4.57

How is the City defining "improvement"? The dictionary says "improved" means "expanded, increased, get better." The access the City is talking about is not expanding or increasing—it already exists. That leaves the "get better" criterion. How do you define "better coastal access?" Is the improvement creating a short cut? No. Is the improvement making it easier for handicapped persons to navigate the path? Well, for the first 1/10th of a mile, but then there's the informal, steep, unpaved Shea path that it connects to, and the uneven, unpaved trails beyond that, so the 1/10th mile improvement isn't giving the handicapped better access to the coast via this route any more so than they have now. So again, it begs the question, exactly how is coastal access /opportunity for coastal access being improved by this project?

These are the facts:

- The City-owned parcel is accessible to the public now.
- The informal Shea path is accessible to the public via the City-owned parcel now.
- The project's "improvement" of the 1/10th mile long City-owned parcel is not creating new or expanded access ("opportunity") that did not exist before.
- The project's "improvement" of the 1/10th mile long City-owned parcel is not making coastal access any "better" than it is now (i.e., it's not making the distance shorter, or making the coast more accessible to the handicapped).

The fact of the matter is that there's no "there" there. The so-called "improvement" is merely to the APPEARANCE of a 1/10th of a mile pathway, NOT to "COASTAL ACCESS OPPORTUNITIES IN THE BOLSA CHICA AREA."

In short, it's a beautification project trumped up to look like it's more of a benefit than it actually is.

Page 2: Public Benefit

"THE PROJECT IS ALSO PROPOSING TO BE CONSTRUCTED AS THE CITY'S FIRST 'GREEN' RESIDENTIAL PROJECT."

2) Public Benefit Claim #2: Building 22 houses using green features is a "public benefit" worthy of granting the project special status:

I wholeheartedly applaud green building practices. However, they should be standard practice in the City of Huntington Beach for ALL development, not singled out as a stand-alone "public benefit" on one small project to give that project a special waiver. In this MND, green practices are being trumped up as a "public benefit" when the benefit is

really to the applicant, so that their project obtains a special status, thus letting the developer get around certain rules and regulations.

Does building green mean less construction truck traffic during construction? Probably not.

Does building green shorten the amount of time it takes for construction? Probably not.

Does building green decrease the air quality impacts of construction? Probably not.

Does building green decrease the noise of construction? Absolutely not.

In short, there are no obvious short-term public benefits to green construction of this project.

What about long-term public benefits? The houses will use less electricity and water than comparable houses, which might be a small benefit to their PRIVATE owners, but how does that benefit the other 200,000+ Huntington Beach residents—the public supposedly benefiting from this project?

Unlike an EIR, an MND does not explore the alternatives that would be of GREATER public benefit than the proposed project. Two alternatives are 1) creating a park as per the existing certified land use plan, and 2) no project at all. All HB citizens could benefit from parkland since it would be available to ALL of its 200,000+ citizens. And if there is no project at all, then the electricity and water savings do "benefit" the public at large, because there would be more of both to go around. Air quality and traffic would also be better with no project since there would be fewer car trips without houses.

Will the fact that the city has 22 "green" units, of the tens of thousands of housing units the city has, make life better for the 200,000+ citizens of Huntington Beach? No. There is no overriding public benefit of building 22 green units to give this project special status.

Page 4: Other previous related environmental documentation:

3) The MND states "NONE." Seriously? None of the prior EIR's related to Bolsa Chica (and there are several) relate to these 5 acres even though they are part of the Bolsa Chica Mesa? Even the Goodell MND No. 08-017 admits that it is part of the Bolsa Chica Mesa and notes previous Bolsa Chica EIR's accordingly. "NONE" is a lazy, insufficient answer, and serves to implicate this project as part of piecemeal planning rather than cumulative planning.

Page 11: Zoning/Land Use Consistency

The Environmental Checklist asks, "WOULD THE PROJECT A) CONFLICT WITH ANY APPLICABLE LAND USE, POLICY, OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING, BUT NOT LIMITED TO THE GENERAL PLAN..."

5) The MND does not discuss the Recreation and Community Services Element of the General Plan, which states "THE CITY HAS SET ITS PARK STANDARD AT FIVE ACRES PER 1,000 PEOPLE." (RCS Policy 2.1.1) Furthermore, Park Acquisition Goal RCS 2 states, "Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach..."

According to the recent (2009) EIR for the Downtown Specific Plan, the city is presently SHORT of the 5 acres per 1,000 residents policy. This MND wants to remove 5 acres of useful parkland (OS-P) from the General Plan which is

a) inconsistent with the 5 acre RCS Policy 2.1.1, and

b) inconsistent with RCS Goal 2.

How does this MND reconcile its proposed amendment removing 5 acres of useful parkland from the state-certified Land Use Plan with General Plan Policy RCS 2.1.1? I cannot see that it does.

Page 12: Land Use Policies

"THE PROJECT IS PROPOSING TO IMPROVE AN EXISTING UNDEVELOPED 30-FOOT WIDE PARCEL NORTH OF THE PROJECT SITE WITH AN ACCESS TRAIL THAT WOULD CONNECT TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY THAT WOULD ULTIMATELY PROVIDE ACCESS TO THE FLOOD CONTROL CHANNEL AND THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET."

6) A restatement of the alleged "public benefit" of page 2. The dictionary says "improved" means "expanded, increased, get better." The MND fails to explain how the paving and artificial landscaping of 425 feet equates to expanded, increased, or better coastal access.

7) The claim of improved access is in conflict with existing signage. Right now, several signs on Bolsa Chica Street state that public trails are SOUTH, at the end of Bolsa Chica

Street. Those are formal, established trails, which already "PROVIDE ACCESS TO...THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET." This MND implies that it wants to lead people EAST to the "informal" Shea trail. Will the applicant have to put up signs indicating access to the east, thereby confusing the public on which way to go? Is this MND saying that a paved trail connecting to an INFORMAL path is a "better" access point to Bolsa Chica than a paved sidewalk connecting to a FORMAL path (at the intersection of Bolsa Chica St & Brightwater)?

Page 13: Zoning/Land Use

"ALTHOUGH THE PROPOSED PROJECT WOULD RESULT IN DEVELOPMENT ON THE BOLSA CHICA MESA, THE EXISTING SLOPE ADJACENT TO THE PROJECT SITE WOULD BE PRESERVED."

8) Preserved how? The MND does not state how the slope will be preserved.

Page 13: HBZSO & Applicable Codes

9) The text notes that "EXCEPTIONS" and "DEVIATIONS" are required to make the project "comply" with Code. Changing the rules to make things comply is not compliance, it's getting around the rules that everyone else must follow. Why doesn't the City make the applicant comply with existing code without exceptions and deviations?

Page 13: Zoning Text Amendment

10) The text talks about "TANDEM CONFIGURATION' for parking spaces but does not describe for the lay person what that is.

"FOR THESE 10 UNITS, THREE OPEN SPACES ARE REQUIRED, IN WHICH ONE OF THE REQUIRED OPEN SPACES IS PROPOSED TO BE MET THROUGH THE AVAILABLE STREET PARKING."

11) If street parking is used for something that should be on private property, then that means less street parking for the general public, right?

Page 14: Zoning Text Amendment

"IN ADDITION, THE PROJECT IS PROPOSING TO PROVIDE A LINK, VIA A 30-FOOT WIDE LANDSCAPED PATH, TO CONNECT BOLSA CHICA STREET AT LOS PATOS AVENUE TO THE BOLSA CHICA WETLANDS."

12) False claim. In order to "provide" a link the link must not already exist. Which it already does—in two directions!

Currently, the public has access to the Bolsa Chica Wetlands via the City-owned parcel at Bolsa Chica St & Los Patos Ave which leads to both

a) the Informal, ungroomed Shea trail to the east;

b) the paved sidewalk of Bolsa Chica Street which leads to the Formal, groomed Brightwater trail to the south.

It is accurate to state that "the project is proposing to landscape an existing pathway." If you want to include the disclaimer "unofficial" pathway, then that's factual, too. Just don't mislead the public and claim the project will "provide" a service (access / link) that already exists.

Page 30: Biological Resources

"THE HEIGHT OF THE ESHA IS APPROXIMATELY 40 FEET ON AVERAGE SO THE TOPS OF THE TREES ARE APPROXIMATELY AT THE PROPOSED PAD ELEVATION."

13) The MND claims that having people and dogs visible at tree top level 200 feet away is a less than significant impact on raptors that use the ESHA. What raptor expert said that? Do you have a study to back up that claim? Raptors use the middle-to-upper portions of trees, not the base root of trees!

The project would only be 160 feet from the Eucalyptus ESHA on the west. The ESHA is also hemmed in by the Cabo Del Mar condos to the north, and the Shea project to the east. What raptor in their right mind would use trees surrounded by development in such a way? If the ESHA is surrounded tightly on 3 sides, isn't it degrading the ESHA to such an extent that it becomes useless and worthless to the raptors? Has a raptor expert been consulted on any of this?

14) The Coastal Commission made its determination of Shea buffers based on the OS-P land use designation of Hearthside's 5 acres. To change the designation could change the premise of the buffer size. Won't the CCC have to go back and refigure the Shea buffer based upon the land use changing from Open Space to Residential? Otherwise don't you have a case of piecemeal planning?

Page 34-35: Public Services

15) While the project's impacts to existing parks would be less than significant, as noted previously, the impact to the General Plan policies concerning parks is Potentially Significant. There is no mitigation for loss of potential parkland in this MND.

Page 38: Aesthetics

"IN ADDITION, IMPROVEMENT OF AN EXISTING UNDEVELOPED 30-FOOT WIDE CITY-OWNED PARCEL NORTH OF THE PROJECT SITE WOULD PROVIDE PUBLIC ACCESS TO AN INFORMAL PATH ON THE ADJACENT SHEA PROPERTY FROM BOLSA CHICA STREET AND WOULD ALSO PROVIDE PUBLIC VIEWS FROM THE SLOPE EDGE AT THE EASTERN POINT OF THE SITE."

16) Again, the MND is purporting to "provide" something that already exists. Not only does access to the informal Shea path already exist, but the public views from the slope edge also already exist. Landscaping the City parcel to the north has no effect on either access or the view from the east!

On the other hand, building 2-story houses could serve to BLOCK the existing public view from this vantage point.

17) The MND seems to ignore Goodell MND No. 08-017 which plans 3.2 acres of Residential adjacent to the Ridge's Residential. Those future houses could also interfere with the public view being "provided."

Page 38: Aesthetics, Lighting

"THE PROPOSD LIGHTING PLAN FOR THE PROJECT INDCATES THAT ALL LIGHTING WILL BE SHIELDED TO MINIMIZE LIGHT CAST ONTO ADJACENT PROPERTIES. IN ADDITION, THE PROJECT SITE LIGHTING WILL INCLUDE 'DARK SKY' FEATURES THAT WERE IMPLEMENTED IN THE ADJACENT BRIGHTWATER RESIDENTIAL PROJECT AND HAVE ALREADY BEEN DETERMINED TO BE APPROPRIATE FOR AND SENSITIVE TO THE BOLSA CHICA AREA."

18) I wholeheartedly applaud the use of "dark sky" lighting. However, I'm surprised to hear that it's supposed to be used at Brightwater, also developed by applicant Hearthside Homes. Brightwater's public (common) areas have many landscaping lights that point skyward to illuminate vegetation. If the dark sky rules are not being enforced there, why should it be assumed the policy will be enforced at the Ridge?

19) It was previously stated (page 30) that the height of the ESHA tree tops would be about even with the housing pads. Any exterior house lights or street lights—pointing

down from above tree height—will impact the raptors, since their eyesight is much sharper. Has anyone consulted a raptor expert on this issue? How can light pollution not have a significant impact on natural resources at this location?

Page 39: Aesthetics

"IN ADDITION, THE ADJACENT SLOPE WOULD BE PRESERVED AS A SIGNIFICANT SCENIC RESOURCE AND THE PROJECT WOULD PROVIDE FOR PUBLIC VIEWS FROM THE PROJECT SITE VIA THE PROPOSED 30-FOOT WIDE ACCESS PATH."

20) Same issues as previous page: If anything, building 2-story houses will obscure some of the existing scenic views. And the path—paved or not—won't make any difference to the view.

And same issues as before—a) cannot provide an access path which already exists, and b) the methodology for preserving the slope is not stated.

Page 40: Cultural Resources Mitigation Measure 1

"THE APPLICANT SHALL ARRANGE FOR A QUALIFIED PROFESSIONAL ARCHAEOLOGICAL MONITOR TO BE PRESENT DURING ALL PROJECT-RELATED GROUND-DISTURBING ACTIVITIES..."

21) Is the City aware that the applicant, Hearthside Homes, was admonished by the state Native Americans Heritage Commission, for its archaeological mismanagement of Brightwater and ORA-83?

Is the city aware that the issue of poor handling of remains was brought before the state Coastal Commission and that the Commission reprimanded Hearthside for violations of conditions of approval?

Bad behavior should NOT be rewarded. The mitigation measure should be amended to state that Hearthside CANNOT use the same archeological firm that did the poor handling of remains at Brightwater & ORA-83.

Page 41: Recreation

"THE PROJECT, AS PART OF ITS PUBLIC BENEFIT, IS PROPOSING TO IMPROVE AN EXISTING 30-FOOT WIDE PARCEL LOCATED IMMEDIATELY NORTH OF THE PROJECT SITE, WITH A LANDSCAPED TRAIL THAT WOULD PROVIDE ACCESS FROM BOLSA CHICA STREET TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY, WHICH ULTIMATELY

CONNECTS TO THE WETLANDS. IN THIS RESPECT, THE PROJECT WOULD FURTHER RECREATIONAL OPPORTUNITIES IN THE BOLSA CHICA AREA."

22) Again with the wishful thinking—no matter how many times you repeat it doesn't make it any more valid. Access already exists from the 30-foot, 1/10th mile long City parcel to the informal path; therefore, a) nothing is being provided and b) nothing is being added to ("further opportunities"). Nothing is being given to the public that they don't already enjoy.

Page 42: Recreation

"IN ADDITION, THE COMMUNITY SERVICES DEPARTMENT HAS REVIEWED THE PROPOSED GENERAL PLAN AMENDMENT AND...HAS INDICATED THAT THE PROSED CHANGE IN LAND USE DESIGNATION WOULD NOT PRESENT A SIGNIFICANT IMPACT IN TERMS OF EXISTING OR PLANNED PARKS AND RECREATIONAL FACILITIES."

23) Is the city also proposing to change RCS Policy 2.1.1 of the General Plan "Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation"?

Because unless the City is changing RCS Policy 2.1.1, then there WILL be a significant impact in terms of land use planning. The city is currently in violation of RCS Policy 2.1.1.

That's not the worst of it. Projects "in the pipeline" will only serve to worsen the parkland-to-residents ratio:

a) The Pacific City development will add hundreds of new residents but is not adding any new parkland.

b) The high-density Amstar Red Oak project will be adding hundreds of new residents yet has no place for parkland.

c) The Village at Bella Terra project proposes to "increase maximum development density," thereby adding hundreds of new residents without any place for parkland.

d) The Downtown Specific Plan Update proposes to "facilitate development opportunities within the DTSP area by revising development standards including increases in allowable densities" yet has no place for parkland.

So where does the city plan to get more parkland to comply with RCS Policy 2.1.1?

Page 43: Mandatory findings of Significance

The Checklist asks, "DOES THE PROJECT HAVE THE POTENTIAL TO ...SUBSTANTIALLY REDUCE THE HABITAT OF A FISH OR WILDLIFE SPECIES...THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY..."

24) What is the MND doing to protect the raptors that use the Shea Eucalyptus ESHA?

- What mitigation/protection is there from lighting directed downward at tree top height?
- What mitigation/protection is there from dog disturbance / human activity in the backyards of the Project?
- What mitigation/protection is there from dogs / human activity along the east slope access to the public views (pgs. 38-39)?

A raptor expert should be consulted before proceeding further with these plans and the MND's assumptions of insignificant impacts to biological resources.

"DOES THE PROJECT HAVE IMPACTS THAT ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE?"

25) The MND does not address the issue of "piecemeal" planning. Sandover by Hearthside Homes was built in isolation. Brightwater by Hearthside Homes was built with the assumption the OS-P designation was in effect. The plans for Shea Parkside were approved with the assumption the OS-P designation was in effect. If the OS-P designation is overturned, then all previous planning is invalid.

"ALTHOUGH THE PROJECT IS PROPOSING TO AMEND THE GENERAL PLAN LAND USE DESIGNATION, THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN IN TERMS OF FORESEEABLE GROWTH IN THE CITY. IT DOES NOT REPRESENT A SIGNIFICANT NEGATIVE IMPACT TO THE ENVIRONMENT OR GOALS OF THE CITY."

26) This project is horribly inconsistent "WITH THE GENERAL PLAN IN TERMS OF FORESEEABLE GROWTH IN THE CITY." See what I wrote above about parkland in relation to projects in the pipeline. Zoning and Plan amendments are being approved right and left in isolation without looking at the larger picture, the larger impact on the city and its residents.

This MND is inconsistent with goal RCS 2 of the City's General Plan. It prohibits the City from achieving policy RCS 2.1.1 of the General Plan, because 1) it removes useable parkland from the General Plan, and 2) the cumulative impact of removing useable

parkland when other development projects in the city have not been developing parkland either but have been submitting in-lieu fees instead. That is a significant negative impact to the city and its citizens.

In summary, this Mitigated Negative Declaration is inadequate in many respects:

A. It supposes to create a "public benefit" of access which already exists.
B. The "improvement" claim applies solely to appearance, not to any actual increased access or opportunity for access.
C. It supposes to create a "public benefit" of utilizing green building techniques, which have no practical effect—positive or negative, short-term or long-term—on the general public it is supposed to benefit.
D. It does not explain how the eastern slope will be preserved or how dark sky lighting will be enforced.
E. It does not adequately mitigate potential impacts on raptors and their habitat.
F. It gives too much leeway to the applicant to choose an archeologist when the applicant has a very poor track record when dealing with archeological (cultural) remains.
G. It willfully defies Huntington Beach General Plan policies and goals concerning recreation (parkland).
H. It does not address the piecemeal planning that has been occurring (and continues to occur) in the Bolsa Chica area specifically, and the City of Huntington Beach in general, and does not address the cumulative impacts of several nearby development projects on the Bolsa Chica ecosystem.

An EIR is necessary to address these serious issues.

Sincerely,

Julie E. Bixby

Julie E. Bixby
Huntington Beach, CA

ATTACHMENT NO. 4.67

Gary Trudeau
5096 Tortuga Drive #106
Huntington Beach, CA 92649
garytzone-com@yahoo.com
Tel: 714 840 3469

October 2, 2009

Comments on the MND for "The Ridge"

The "Meandering Trail", like the City's opening of the easement that preceded it appears to follow the "Bridge to Nowhere" school of civic planning, i.e. open a thoroughfare to an uncertain destination and then ignore the results. The "Meandering Trail" improvement will no doubt only add to the blight the current dirt path has visited upon the community and the environment.

Effects on the environment:

Before the current dirt path that resulted from the city's easement, this field and the eucalyptus grove was home to red tailed hawks, humming birds, heron, possum, owls and other wildlife. All have fled, the easement has effectively sterilized this last scrap of mesa habitat. A short walk would show it's devastating effects; what was once a recovering natural mesa habitat has been transformed into an urban vacant lot crisscrossed by dusty paths, littered with beer bottles, dog droppings, drug paraphernalia, condoms, and broken glass.

If someone wants access to nature they will not use this path as it only provides access to what is now a unsightly vacant lot. Access to the Bolsa Chica wetlands is already provided by the entrance a hundred yards away at the end of Bolsa Chica Avenue and at Graham, as well as Glenroy Drive. The current pathway simply serves as:

- A minor shortcut for those wishing to walk from the south end of Graham to the west end of Warner.
- A dirt track for motorbikes and motor skateboards.
- A place to walk dogs without having to cleanup after them.
- An unlit, unpatroled and unsupervised hang out for local youths and the homeless at night.

Ironic that in lieu of any real planning an easement that should have provided access to a natural habitat should be the instrument of it's destruction.

Effects on the community:

Before the easement the area was host to the occasional bird watcher or nature lover. Since the easement has wiped all traces of nature, the bird watchers have been replaced by motorbikes and dog walkers during the day and at night local youths looking for a dark place to party and the occasional homeless person. This new group of visitors are considerably more noisy than the birdwatchers. The dirt path is just a few yards away from the bedroom windows of over a dozen homes. Unlike a park which is patrolled and has restrictions on late night use, people can use this pathway at any hour talking, singing, or yelling freely...and they do. Residents have learned that they must keep shut their windows shut, which is probably a good thing since lone figures can been seen peering into the bedroom windows at night from time to time.

ATTACHMENT NO. 4.68

Gary Trudeau
5096 Tortuga Drive #106
Huntington Beach, CA 92649
garytzone-com@yahoo.com
Tel: 714 840 3469

Effects on the Ridge's bottom line:

There will be a cost to keep these areas clean and well maintained. When prospective homeowners look out through second floor windows or walk around the property they will probably not miss the litter strewn vacant lot that is adjacent. They may even be treated to a motorbike ripping up the "Meandering Trail" tastefully landscaped and decorated with dozens of dog droppings and beer bottles. The valuations of the Ridges' homes will be affected by what lies outside it's walls.

Solution:

Rather than building upon an already bad idea, by upgrading the dirt path easement, close it down. Police won't be continually called out as they are now resulting in motorcycle police riding along the trail or noisy police helicopters hovering overhead at night. The Ridge could benefit from having a quiet Bolsa Chica Mesa meadow, a small sanctuary for wildlife in it's backyard, or it can struggle to maintain what has already proven to be a blight on the community.

ATTACHMENT NO. 4.69

Villasenor, Jennifer

From: JonV3@aol.com
Sent: Friday, October 09, 2009 11:13 AM
To: Villasenor, Jennifer
Subject: Comments on The Ridge Draft Mitigated Negative Declaration no. 08-016

October 9, 2009

Jennifer Villasenor
Department of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Mitigated Negative Declaration No. 98-016
The Ridge

Dear Ms. Villasenor:

Thank you for the opportunity to comment on the above MNegDec for the proposed Ridge development.

This project must be evaluated by a full EIR rather than a Mitigated Negative Declaration. There are several significant issues that need further evaluation, including Land Use and Planning, Recreation, Biology, Cultural Resources, Air Quality, Aesthetics, Greenhouse Gas emissions, and Climate Change. Furthermore, there is no public benefit to changing the land use designation of this property.

1. Land Use and Planning.
The project conflicts with current land use planning including the General Plan and Coastal Land Use Plan, which designate the site as Open Space -Park. The General Plan takes precedence over the zoning designation. The zoning designation must be changed to be consistent with the General Plan and CLUP, not the other way around. This open space is very significant because it is adjacent to and contiguous with the Bolsa Chica ecosystem. The Bolsa Chica land use designations have been through many political and legal battles, the open space/park designation was hard-fought, and the proposed loss of this open space is intolerable. The Bolsa Chica open space including the parcels known as Shea/Parkside contains many areas of ESHA and this open space is significant for its value as raptor foraging habitat. The EIR should examine in detail the requirements of raptor foraging habitat and the loss of this area for raptors utilizing Bolsa Chica and mitigation required.

2. Recreation
This open space is designated as park in the General Plan, available for passive recreation such as hiking and nature watching. Huntington Beach has a deficiency of park space. The EIR should examine the impacts of losing even more park space, including the cumulative loss of parks in Huntington Beach and how this loss will be mitigated. This is a significant impact that needs evaluation in a full EIR.

3. Aesthetics.

The building of 22 houses on this ecological open space will dramatically change the aesthetics of the area, from one of natural open space to one of houses, a significant change that will degrade the visual qualities of the area. This is a significant change and should be evaluated from the perspective of people visiting the ecological open space of the preserved areas of Bolsa Chica under public ownership. The site is part of the scenic vista of the Bolsa Chica ecosystem and building houses on it is a significant impact.

4. Air Quality
This project will significantly increase air emissions from gas appliances, fireplaces, energy use, and automobile traffic from the 22 houses, significantly more so than its use as an open space passive park. The EIR should examine these significant impacts and mitigate them.

ATTACHMENT NO. 4.70

5. Population and Housing.
Building houses on land designated open space in the General Plan will cause a significant impact on the population in this area, from one of open space with no houses to one totally occupied by houses and permanent residents. This permanent impact and loss of open space requires mitigation.

6. Biological Resources.
This property is part of the Bolsa Chica ecosystem, which is a hotspot of regional and national importance. The loss of this part of the ecosystem, especially its impacts on raptor foraging areas and proximity to the ESHA's of Bolsa Chica and the Shea/Parkside property need further evaluation and mitigation. This is a significant impact and requires mitigation proposals.

7. Cultural Resources.
This property is adjacent to the significant cultural resource areas ORA-83, ORA-85, and ORA-86, where collections of ancient human remains have been discovered, often after development has commenced. ORA-83 has been accepted for the National Register of Historic Places, and is known as the cogstone site, with only a couple of places in the world where these have been found. It is likely that the Ridge site contains the same cultural resource value. In addition, full disclosure of the archeological findings of ORA 83 and ORA 85 are due by February 10, 2010. The Ridge EIR should contain a report of these findings in a full EIR.

8. Greenhouse Gasses, Climate Change
This project requires an evaluation of greenhouse gases and climate change as part of a full EIR, not a MND. The development of houses burning fossil fuels and automobiles burning fossil fuels, where none exist in an open space area, needs evaluation. This is a significant impact for this area requiring a mitigation strategy.

9, No public benefit.
The proposed public benefit of a trail is a negative impact compared to the existing use of the land as open space/park, where people are able to traverse the land at will. The proposed use of green building for the 22 houses is a negative impact compared to the natural open space which is now available as the land use in the General Plan.

Again, thank you for the opportunity to comment. A full EIR is required rather than a Mitigated Negative Declaration. Please put me on the list for public notifications relating to this project.

Sincerely,

Jan D. Vandersloot, MD
2221 E 16th Street
Newport Beach, CA 92663

ATTACHMENT NO. 4.71

RECEIVED
APR 05 2010
Huntington Beach
PLANNING DEPT.

From: Michelle O'Brien
Member of Bolsa Chica Land Trust
16282 Serenade Lane
Huntington Beach, CA 92647

To: Jennifer Villasenor
City of Huntington Beach Planning Dept.
2000 Main Street
Huntington Beach, CA 92648

Hi Jennifer,

This is a request for your department to deny approval for building anything on "The Ridge". The City of Huntington Beach needs this open space for the wildlife that resides there. Once it is built upon, it is too late to change it back. It will have a negative effect on the wetlands if it is developed. The Bolsa Chica Wetlands are unique, rare and very majestic. We should do everything we can to preserve this area. It is a sanctuary for both people and birds to visit. Adults and kids alike, are working together to restore the wetlands back to their natural state. Future generations need to be able to visit and see for themselves how beautiful the wetlands really are. I am not an environmentalist, but I do understand the need to leave this space untouched and open. Thank you for taking the time to read my letter.

Sincerely,

Michelle O'Brien

Michelle O'Brien
Concerned HB Resident

ATTACHMENT NO. 5.1

David E. Hamilton
5401 Kenilworth Drive
Huntington Beach, CA 92649
Phone: (714) 840-8901
E-mail: de.hamilton@verizon.net

RECEIVED
APR 05 2010
Huntington Beach
PLANNING DEPT.

April 2, 2010

City of Huntington Beach
Planning Department
Attn: Jennifer Villasenor
2000 Main Street
Huntington Beach, CA 92648
Fax letter: 714-374-1648

Re: Recirculated Draft Mitigated Negative Declaration No. 08-016 ("The Ridge")

Dear Ms. Villasenor,

I am confused about the subject proposed development. How does a resident of HB make life choices when planning documentation seems to lack integrity?

I purchased my home on Kenilworth Drive in large part to be near open space. The Shea/Parkside parcel was then owned by MWD and designated "open space/wetlands" on City and County planning maps. Since then, the MWD parcel was sold to Shea Homes, a housing developer. A development was proposed that included an 8-acre active park, hence the name "Parkside." This 8-acre park was repeatedly used as justification for the development due to a shortage of active park space in this region of Huntington Beach. Subsequently, the north 30 feet of the "Ridge" parcel was dedicated/deeded for public access from the west to the adjacent 8-acre park within "Parkside." Also, planning maps had the 5-acre "Ridge" parcel designated as "open space park."

Fast forward to the present. "Parkside" was approved with the 8-acre active park reduced to one acre. The 30-foot strip of the "Ridge" parcel is no longer adjacent to this 1-acre park. (Should we call the strip: "Public access to nowhere"?) Also, this 1-acre of active park is no longer adjacent to even the Kenilworth tract. The real head-scratcher though is that the "Ridge" parcel is no longer designated as open space park but is now a proposed 22-unit housing development.

From my viewpoint, the overall planning/approval process for this area seems rather piecemeal. We *do* need some active parkspace in this area of HB—that's a given. How does this given need go from "justification" in one process to "unnecessary" in another? These processes look more like developer accommodation than true planning. I'm confused and concerned by the seeming inconsistencies in Huntington Beach's residential planning. I would appreciate you or someone from the planning department addressing my concerns. I look forward to your comments.

Regards,

David Hamilton
Huntington Beach Resident
de.hamilton@verizon.net
Ph: (714) 840-8901

ATTACHMENT NO. 5.2

FAX 714-374-1648

Friday, April 2, 2010

R. Rubel and S. Rubel
5421 Neargate Drive
Huntington Beach, CA 92649

RECEIVED
APR 05 2010
Huntington Beach
PLANNING DEPT.

Planning
Scott Hess, Director of Planning
714-536-5271
fax 714-374-1648

SUBJECT: PLEASE KEEP THE PARK ZONING; PROTECT THE WILDLIFE AND THE BEAUTY OF HUNTINGTON BEACH

We want to protect the "park zone status for the 5 acres at the southeast corner of Los Patos and Bolsa Chica St. It is zoned for a park;" DO NOT BUILD HOUSES ON THIS WILDLIFE RESERVE.

We want to keep the zoning as a park to protect the wildlife and to keep the last parks and beauty that Huntington Beach deserves and desperately needs. We must protect our wildlife.

PROTECT THE PARK,

R. Rubel concur S. Rubel

ATTACHMENT NO. 5.3

Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647
Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

April 2, 2010

Jennifer Villasenor, Associate Planner
City of Huntington Beach
2000 Main St.,
Huntington Beach, CA
Via FAX (714) 374 1540

RE: Hearthside/Ridge PUD

Dear Ms. Villasenor:

Thank you for the opportunity to offer comments regarding the recirculated Mitigated Negative Declaration for the Ridge project.

Our main concerns have to do with the handling of nuisance and storm runoff and the impact the project would have on wildlife.

The applicant's explanations of how nuisance runoff is dealt with is incomplete. It appears that the runoff is simply diverted into "open space", possibly a lagoon or lake? If this is true, what provisions are being planned for maintenance such as vector control, algal growth and safety?

The use of porous pavers to allow runoff to percolate into the soil below parking spaces and driveways seems ill-advised. What becomes of the toxic fluids that invariably leak from vehicles that will accompany the runoff? The explanation refers to the pavers as pre-treating the runoff. How does that work?

Storm runoff will apparently be diverted to the outfall that serves the applicant's Brightwater development. Is the capacity of that system sufficient to accommodate the Ridge storm runoff?

In discussing the project's impact on raptors in the nearby eucalyptus ESHA, while the applicant has dropped its explanation of the project's impact in terms of a "topographic separation", the fact remains that a 100 meter buffer is the standard for the protection of such ESHAs. In this project the closest residential lot is 53 meters from the ESHA and the furthest is 87 meters. It has been established (July 28, 2006 and January 31, 2007 memos from Dr. John

ATTACHMENT NO. 5.4

Dixon to the California Coastal Commission) that *passive* recreational activities could be allowed within the outer 33 meters of the 100 meter buffer zone, and where feasible, be limited to the outer 10 meters. The closest residential lot in the Ridge project penetrates the more sensitive buffer zone by 13 meters or 43 feet. "Passive recreational activities" involve hiking and bird watching while backyard recreational activities normally involve active pursuits such as net sports and swimming pool games as well as social gatherings. These hardly constitute "stationary human presence", as the applicant's consultant puts it. The same consultant reports Cooper's hawks nesting in the ESHA within 50 feet of the nearby condominium complex. Of all the raptors, Cooper's hawks are the most tolerant of humans. This cannot be said of the other raptors that use the ESHA. In addition, the condominium complex that faces the ESHA consists of the backside of the building with small balconies, and a parking lot, not sources of active recreational activities.

We thus recommend the city require the applicant to clarify the questions related to dealing with urban runoff and most importantly, alter their plan to conform to the 100 meter ESHA buffer.

Sincerely,

Jennifer Robins

Jennifer Robins
President

David Carlberg

David Carlberg
Immediate Past President

ATTACHMENT NO. 5.5

HUNTINGTON BEACH TOMORROW
P. O. BOX 865, HUNTINGTON BEACH, CA 92648
"Making a difference today for Huntington Beach tomorrow"
Phone: (714) 840-4015 E-Mail: info@hbtomorrow.org
Website: www.hbtomorrow.org

March 31, 2010

RECEIVED
1 2010
Huntington Beach
PLANNING DEPT.

Jennifer Villasenor
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Subject: The Ridge Draft Mitigated Negative Declaration No. 08-016

Dear Ms. Villasenor and Planning Commission:

Huntington Beach Tomorrow requests additional consideration of the following regarding Hearthside Homes' request.

- Lower intensity zoning would result in less grading and fill than the proposed 6.4 units per acre proposed on a sandy soil base.
- Does annexation come before or after taking action?
- More parking must be provided for the proposed 22 residences at 2700 to 4200 sq. ft. Tandem and open parking on a driveway is not sufficient. Where will guests and visitors park if only one parking space is required and in 10 of 22 units parking is identified by street parking? One tandem car space in a 3-car garage might work on 55' wide lots backing to an alley but not on these more narrow lots. Where will residents park for street sweeping?
- A conditional use permit for more than three feet grade differential should not be issued. Grading at street grade near Bolsa Chica, then adding three to nine feet of fill on the eastern edge of the Shea property is too much volume of cut and fill dirt. The water table adjacent to wetlands varies and tends to be much higher than can be determined by one test in one part of the site. When the sandy subsoil is subjected to the weight of nine feet of fill, added to the digging out of eight feet of soil in the higher part of the site, it will affect the adjoining wetlands. Compacting sandy soil is not a safe way to build even with drainage pointed northward to Bolsa Chica rather than as now into the wetlands.
- IIIc (page 16) should be labeled potentially significant unless mitigation is incorporated. Onsite drains are needed with this volume of site coverage by the footprint and weight of the structures on fill soil. Using pavers for drives does allow for some percolation of water but requires more weeding. Who would maintain pavers by the alleys?
- Efflorescence is an ongoing problem in the Landmark Bolsa tracts adjoining the wetlands.Further investigation is needed of whether special concrete foundations to resist mineral deterioration should be used. The boron in soil comes up, the salt comes up; it would more likely come up in sandy soil than in clay soil found in the Landmark Bolsa tracts adjoining Talbert, Springdale and Edwards.

This parcel was designated to be park open space when the Hearthside Brightwater project was approved and should not be developed.

Karen Jackle

Karen Jackle
President

ATTACHMENT NO. 5.6

March 31, 2010

City of Huntington Beach
Attn: Jennifer Villasenor, Planning
2000 Main St
Huntington Beach, CA 92648

RE: Recirculated Environmental Assessment No. 2008-016 "The Ridge"

Ms. Villasenor,

The Recirculated Mitigated Negative Declaration (RMND) remains a flawed assessment of environmental impacts of this project. On behalf of myself and the Bolsa Chica Land Trust, I would like to point out the following issues.

1) OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION

The RMND, as did the original MND, simply states "none" to this question. After close of comments on the original MND, I discovered that the adjacent Sandover project had a direct connection to the Ridge project and reported this finding to City staff.

> "The parkland dedication requirement will be satisfied by dedicating a 30 foot wide easement along the north property line of the open space lot located east of the project site. The easement will provide pedestrian and vehicular maintenance access to the proposed public park located approximately 400 feet east of the project site. This easement dedication was recommended by staff and supported by the applicant." (Sandover staff report)

The Ridge MND/RMND makes repeated reference to this 30-foot parcel. Although the parcel itself is not mentioned in the Sandover MND (it only mentions generally that land dedication or payment of fees will be required), the city-owned parcel *would not exit* were it not for the Sandover project. You could not have any discussion of the parcel in the second document had it not been created by the actions and requirements in the first document—it's a direct link. For complete disclosure, the Sandover MND should be mentioned as a previous related environmental document, since without the prior project the Ridge MND/RMND loses one of its key components.

2) RECREATION IMPACTS

The RMND adds this sentence on page 46:

"ALTHOUGH THIS PARCEL IS CURRENTLY USED BY PEOPLE THAT ARE FAMILIAR WITH THE AREA, THE IMPROVEMENTS WIL PROVIDE FOR

NOTICEABLE ACCESS FROM BOLSA CHICA STREET AND WILL ENHANCE PUBLIC ACCESS OPPORTUNITIES."

The point of this sentence is unclear. Finally, yes, a reluctant admission that the city-owned parcel is already publically accessible and already used by the public. But what does "noticeable access" mean? Does it mean signs (notice) will be put up indicating "Bolsa Chica access this way", as Brightwater signs do? If so, what is the point of directing people east towards an uneven, unofficial trail rather than south towards a graded, official pathway? If someone decides to follow the signs east, then has an accident on the uneven section of the trail, would they sue the city for negligence? Would the city need to put up a notice (noticeable) sign at the city parcel/Shea border to warn people that they continue at their own risk?

And if "noticeable" access does not refer to signs, then what does it mean?

Regarding the "enhance public access opportunities"—rather than repeat the "improve public access opportunities" claim found elsewhere in the RMND, a new tactic is tried with the word "enhance." A rose by any other name... The enhancement, or improvement, is "... a 6-foot wide path and a landscape buffer." (pg 42)

The Aesthetics section states the impact correctly: "These distances combined with landscaping proposed for the 30foot wide area would function to buffer aesthetic impacts to existing residential units from development on the project site." (pg 42)

The problem is reaching beyond the facts of aesthetic improvement into the realm of marketing embellishment by making a public benefit claim of "enhanced" or "improved" coastal access and opportunities. Nowhere is it explained *how* landscaping improves coastal access or improves opportunities for coastal access—it's an unsubstantiated claim. When I think of landscaping I think of beautification, not recreation. It would be helpful if the staff report gave examples of how other projects improved coastal access/opportunity with landscaping.

3) BIOLOGICAL RESOURCES

Another perplexing addition to the RMND is on page 33:

"FURTHERMORE, THE BIOLOGICAL RESOURCES REPORT STATES THAT RAPTORS ARE MORE LIKELY TO HABITUATE TO STATIONARY HUMAN PRESENCE ASSOCIATED WITH RESIDENCES THAN THEY ARE TO HIKERS, DOG WALKERS AND BIRD WATCHERS THAT CURRENTLY FREQUENT THE AREA."

"Stationary human presence associated with residences"? What does that mean, that mannequins will be living in these houses? No one living at the Ridge will have a loud, bright lights, late night party or go biking or jogging with their dogs? In fact, this new Biological statement directly contradicts other sections of the RMND that talk about improvements to coastal access. Improved access implies that *more* people will hike and

walk their dogs and watch the birds in question thanks to the improvements. Isn't that the point of "improved" opportunities for access, increased usage?

So what is going on here?

1) The Biology section claims no impact to raptors from the project, particularly since residences have less impact upon raptors than pedestrians.

2) The Noise section states that "more people may use the (improved) path", thereby potentially increasing pedestrian disturbance to the raptors.

3) The Recreation section claims "... the project would further recreational opportunities" to the coast from the improved pathway, thereby potentially increasing pedestrian disturbance to the raptors.

4) The Biological section says that ambulatory pedestrians are more disturbing to raptors than stationary residences.

Not only is the RMND now at odds with itself (no impact from project vs. potential impact from project), but the RMND contains no mitigation for the potentially increased disturbance to raptors from increased use of the improved 30-foot path (Noise & Recreation sections)!

How sad that this MND/RMND ignores documented history, leans on marketing hype, and writes off increased human disturbance to make its case. Fair argument exists that these increased disturbances could have significant negative impacts upon the adjacent ESHA, and therefore an EIR is required under CEQA.

Julie E. Bixby

Julie E. Bixby

ATTACHMENT NO. 5. 9

April 1, 2010

City of Huntington Beach Planning Department
ATTN: Jennifer Villasenor
2000 Main St.
Huntington Beach, CA 92648

Re: RECIRCULATED Draft Mitigated Negative Declaration No. 08-016 ("The Ridge")

Dear Ms. Villasenor,

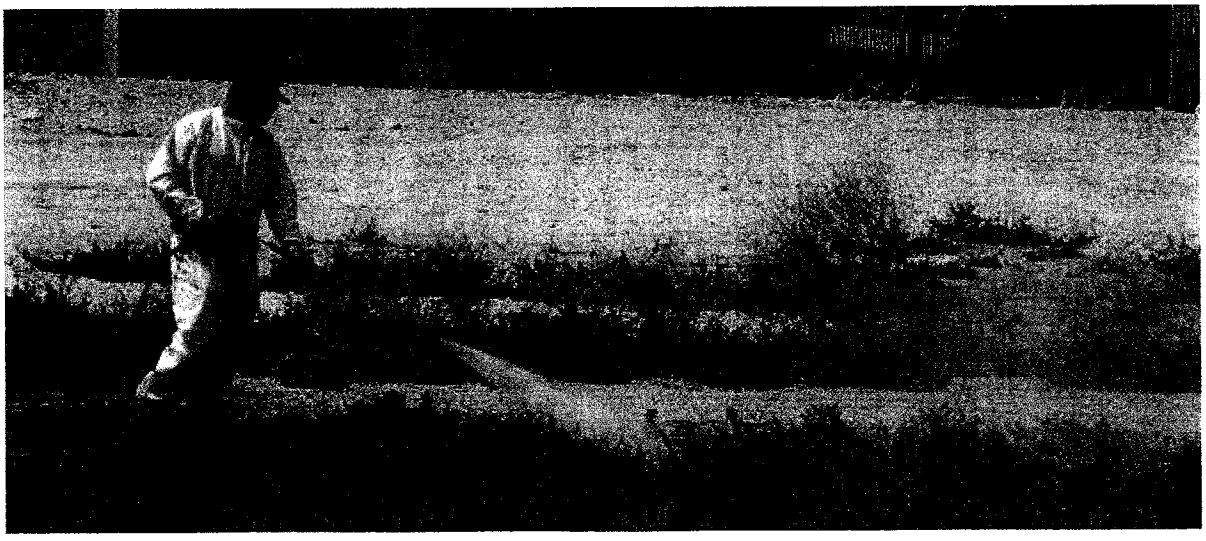
I am writing on behalf of myself and the Bolsa Chica Land Trust to express the following concerns with "The Ridge" RECIRCULATED Draft Mitigated Negative Declaration No. 08-016. My previous comment letter dated October 7, 2009 for the original MND circulation is still relevant and should be considered part of the public record for this RMND.

Vegetation

Page 9 of the LSA Biological Resources Assessment dated March 2010 states:

> "The 4.72 ac study area is currently within undeveloped land that has been subject to various disturbances over many decades, including agriculture, previous grading, and equipment and materials storage. Existing vegetation communities are classified here as Disturbed or Barren (i.e, gravel staging area) and Other Disturbed Areas (i.e., fallow agriculture). Vegetation communities are well defined since the property has been fenced for many years and the property has had relatively few unauthorized human disturbances (e.g., off-road vehicle or pedestrian use)."

This neglects to mention that although agricultural use ceased once the parcel became a staging area for Brightwater construction, residents in the properties to the north report that the entire Ridge parcel is regularly sprayed with herbicide to kill all vegetation. This continued, regular use of herbicide precludes drawing any meaningful conclusions from the vegetation survey data presented in the assessment. This photo shows such spraying in progress on August 9, 2009:



ATTACHMENT NO. 5.10

Southern Tarplant

I have been mapping southern tarplant on the adjacent Shea and Goodell properties on an annual basis for the past few years. The southern tarplant nearest to the Ridge has been found on the Goodell property approximately 215ft south of the southern Ridge boundary.

The extent of southern tarplant on both the Shea and Goodell properties has been slowly increasing the past few years. It would be interesting to see whether southern tarplant would be able to colonize the Ridge parcel if the regular herbicide use was suspended.

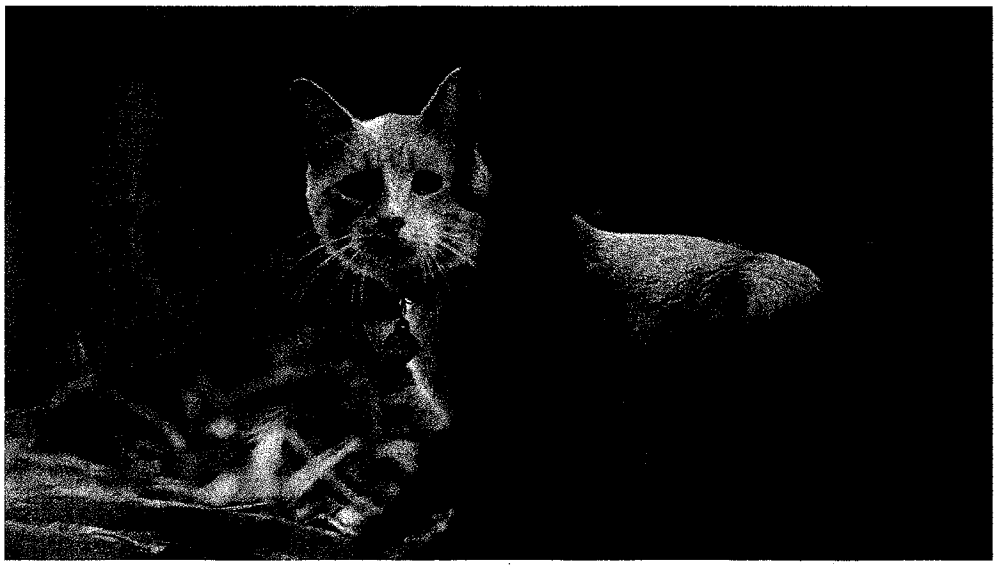
Indirect Impacts from Pet Access to ESHA

The LSA biological assessment states on p.13 under "Indirect Impacts":

> "Fencing the development with a masonry wall and a wrought-iron fence will provide privacy and limit disturbance to the areas surrounding the development. An approximately 4 ft, 6 ft, and 7 ft high masonry wall will be constructed around the northern, western, and southern project boundaries, respectively. An 8 ft high wrought-iron fence (as measured from the outer slope) will be constructed along the eastern boundary, which separates the development from the preserved habitat to the east. The fencing will function to deter human and pet access directly from the residences to the adjacent preserve area."

The masonry wall heights are too low to deter cats, and if the 8ft high wrought-iron fence will be of similar vertical bar style to the existing Cabo del Mar fence to preserve the views from the eastern Ridge homes, cats will be able to easily pass through. Construction of The Ridge will worsen the problem of cat access to Bolsa Chica.

Cats from the existing residences north of the Ridge site already access the Shea eucalyptus north grove raptor ESHA. On April 23, 2005, I photographed this cat prowling around in the north grove ESHA:



ATTACHMENT NO. 5.11

Raptor Flushing and ESHA Buffers

The LSA biological assessment presents raptor flushing data on p.13 and notes that "raptors are much more likely to habituate to the relatively stationary human presence associated with residences then they are to hikers, dog walkers, and bird watchers/photographers that now regularly frequent the areas within or immediately adjacent to the eucalyptus grove" but ignores the fact that these residential impacts will be *cumulative* on top of the pre-existing transient impacts. It goes on to conclude that the current Ridge setback of 150ft from the ESHA is sufficient to avoid significant impact to the adjacent raptor ESHA.

In the attached Exhibit LLL memo from Coastal Commission staff ecologist John Dixon Ph.D. regarding raptor ESHA at Shea Parkside, similar LSA raptor flushing data is examined and then dismissed in favor of more conservative buffers to best protect the ESHA. Please read pages 12-15 of this attachment for a detailed discussion of raptor flushing and buffers that provides the rationale for the CCC's adopted Shea Parkside LCPA setting a *minimum* buffer distance of 297ft from the eucalyptus grove raptor ESHA.

Even though "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area as part of the Parkside Estates Project" as noted in the LSA biological assessment, the CCC found that the Parkside residential development had to be set back a minimum of 297ft from the northern eucalyptus grove ESHA. If new development to the east of the grove (Parkside) should not occur closer than 297ft away to avoid disturbing the raptors, then new development to the west of the grove (The Ridge) should also not occur closer than 297ft away or else significant negative impacts will harm the viability of the ESHA.

EIR Required

Fair argument exists that development of The Ridge will cause significant negative impacts to the ESHA of the adjacent Shea property; therefore an EIR is required under CEQA to properly analyze these impacts and to provide for their mitigation to a less than significant level.

Sincerely,

Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachments:
CCC Exhibit LLL from Parkside LCPA agenda packet W16a-11-2007

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist

TO: Meg Vaughn

SUBJECT: Natural Resources at the Parkside Property

DATE: July 2, 2007

Documents reviewed:

Bilhorn, T.W. (Earth Science Consultant). September 1986. Seasonal variations in the extent of ponded surface water in the Bolsa Chica lowland, Orange County, California. A report to Signal Bolsa Corporation.

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Bixby, M.D. June 27, 2007. Letter to M. Vaughn (CCC) and California Coastal Commissioners regarding raptor foraging and raptor maps.

Bloom, P.H. (Santa Cruz Predatory Bird Research Group). April 15, 1982. Raptor inventory and habitat assessment for the Bolsa Chica area, Orange County, California. A report to the U.S. Fish and Wildlife Service, Laguna Niguel, California.

Bloom, P.H. (Raptor Biologist). June 5, 2002. Letter to J. Dixon (CCC) regarding white-tailed kites and golf courses.

Boule, M., M. Dybdahl, and K. Austrian (Shapiro and Associates). April 27, 1981. Final Bolsa Chica Vegetation Study. A report prepared for the U. S. Army Corps of Engineers, Los Angeles District.

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Dixon, J. (CCC). 2006a. Memorandum to M. Vaughn (CCC) regarding: "Wetlands at Shea Homes Parkside," dated July 27, 2006.

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Froke, J. B. October 10, 2002. Conservation of white-tailed kites at Dos Pueblos golf links in Santa Barbara County, California. A report submitted to Culbertson, Adams & Associates.

Gill, J. (ACOE). May 20, 1992. Letter to Beveridge & Diamond, P.C. declaring the MWD property to be "prior converted cropland" and not jurisdicational under Section 404 of the Clean Water Act.

Holmes, T. 1993. Behavioral responses of grassland raptors to human disturbance. M.S. thesis. Colorado State University, Fort Collins, Colorado. Cited in G.R Craig (Colorado Division of Wildlife). October 20, 1998. Recommended buffer zones and seasonal restrictions for Colorado raptors. Obtained from the Colorado Division of Wildlife Research Center Library.

Holmgren, M.A. (UCSB). June 7, 2002. Memorandum to J. Dixon (CCC) regarding sensitivity of white-tailed kites to disturbance.

Homrighausen, A. and R. Erickson (LSA). November 23, 1999. Letter report to S. Rynas (CCC) re: "Buffer design for Bolsa Chica Eucalyptus ESHA."

Homrighausen, A. (LSA), T. Bomkamp, (Glenn Lukos Associates) and M. Josselyn (WRA). June 12, 2007. Memorandum to S. Sarb (CCC) regarding: "Historic 'EPA area' on Parkside Estates, Huntington Beach, Huntington Beach LCPA 1-06."

Homrighausen, A. (LSA), T. Bomkamp, (Glenn Lukos Associates) and M. Josselyn (WRA). June 22, 2007. Memorandum to S. Sarb and M. Vaughn (CCC) regarding: "Off-site drainage into Parkside Estates 'EPA area'"

Huffman, R.T. 1987. A report on the presence of wetland and other aquatic habitats within the Bolsa Chica lowlands. A report to the USEPA, Region IX, San Francisco, California.

Jurek, R. M. (CDFG). October 16, 2000. Letter to S. Hansch (CCC) regarding the probable effects of development on raptors at Bolsa Chica Mesa.

Kegarice, L.M. (Tom Dodson & Associates). December 17, 1997. Letter report to J. Morgan (EDAW Inc.) regarding: "Verification/update of wetland determinations for TT#15377"

LSA Associates. c. January 14, 2000. An examination of raptor flushing distances at the Bolsa Chica Eucalyptus Grove ESHA in early January, 2000. A report to Hearthside Homes.

Metzler, R. (Shea Homes). June 20, 2007. Letter to Chairman Kruer (CCC) and Executive Director Douglas (CCC) concerning allegations made by members of the public during the May 10, 2007 CCC Hearing concerning the Huntington Beach LCPA (1-06).

Mulroy, T. 1973. Flora and Fauna. Pages 22 – 34 in Environmental Impact Reports, Inc. Draft Environmental Impact Report, Tentative tract 7495, Hunting Beach California.

Rempel, R.D. (CDFG). 1998a. Letter to J.R. Barnes (City of Huntington Beach) concurring with the Tom Dodson report (Kegarice 1997) that found no wetlands on the Shea site dated March 16, 1998.

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At the May 10, 2007 Coastal Commission Hearing concerning a project-specific (Shea Homes) LCP Amendment by the City of Huntington Beach, several issues were raised by Commissioners or members of the public that staff had either not addressed or had dealt with in insufficient detail. Although many photographs of standing water were presented at the hearing, there was no new evidence of inundation that I had not previously considered (Dixon 2006). The principal unresolved issue concerns the possible loss of wetlands as a result of significant landform alterations including direct fill of wetlands. The Commission's mapping supervisor, Jon Van Coops (2007), has documented in a separate memorandum the actual landform changes that have taken place since the implementation of the Coastal Act using aerial imagery and topographic surveys. I will relate those changes to the existence and distribution of wetlands on the property. I will also address the recent assertions by wetland consultants for Shea Homes that the area delineated as a wetland by consultants for the Signal Bolsa Corporation and by the U.S. Environmental Protection Agency was not actually a wetland when delineated, but rather was an artifact of technical errors. In addition, I will address two issues relating to raptors: 1. The value of the agricultural field as foraging habitat, and 2. The basis for recommending a particular width for a protective buffer around perching, roosting, and nesting habitat.

Wetlands, Landform Alterations, and 1998 Farming Operations

EPA Wetland

During the 1980s, the Signal Bolsa Corporation commissioned a great deal of field work to delineate wetlands within the undeveloped portions of the Bolsa Chica lowlands that historically had been tidal marsh. Much of that effort was devoted to hydrological studies, which included the analysis of aerial imagery, both vertical aerial photographs and nearly monthly oblique aerial photographs that documented surface saturation or

surface ponding of water. The study area included the property that was owned by the Metropolitan Water District of Southern California (now Shea Homes Parkside), although the MWD property received less intense scientific scrutiny than the Signal properties. Then, as now, most of the Parkside property was under agriculture, precluding the presence of wetland vegetation. Dr. Dana Sanders was the wetland scientist responsible for the wetland delineation. However, for the Parkside property, his recommendations followed closely the recommendations of Thomas Bilhorn, a hydrologist and earth scientist, who conducted the actual field work and analysis. Bilhorn based his wetland identification on: (1) a field examination (including test pits and borings) on April 15, 1987, (2) nearby rainfall records, (3) a 1980 topographic map, (4) approximately monthly low altitude, oblique aerial photographs covering the period 1981 - 1987, (5) historical aerial photos dating to 1927, and (6) the documented history of land alterations affecting the area. After Dr. Sanders concluded that a portion of the site met federal wetland criteria[1], Mr. Bilhorn estimated the location, size and shape of the wetland based on the presence of a topographic depression and on the location of a wetted area on vertical aerial photographs from 1982.

In 1980, the U. S. Environmental Protection Agency designated the Bolsa Chica area as a "Special Case," which under a Memorandum of Understanding with the U. S. Army Corps of Engineers, transferred the responsibility for wetlands identification and delineation from the Corps to EPA. Although considerable field work had been done by Signal, the EPA independently identified and delineated the wetlands in the agricultural area based on their own analysis of aerial photographs and topography (T. Yocom[2] in personal telephone and electronic mail communications to J. Dixon on June 19, 2007). Mr. Yocom pointed out that, "In addition, under 40 CFR 230.3(s)(1), farmed areas which were historically subject to the ebb and flow of the tide and which remain below the plane of MHW are 'waters of the United States.' (see EPA JD[3], page 6). The Metropolitan property, according to EPA's JD, is underlain with Bolsa Silty Clay Loam, and is described as a soil on alluvial fans that are somewhat poorly drained and with mottles (redox concentrations.) They are listed as having good potential for supporting wetland vegetation (1978 Soil Survey for Orange County)."

In a recent submission (Homrighausen, Bomkamp and Josselyn 2007), Shea Homes' wetland consultants refer to the wetland area mapped in the late 1980s by Signal Bolsa Corporation and by the EPA as the "so-called 'EPA Wetland'" and put forth various arguments that purport to show that a wetland did not exist at that location at that time. They make the following claims: 1. Field studies conducted both before and after the EPA wetland delineation found that no wetlands were present. 2. The Signal Bolsa consultant, Thomas Bilhorn, based his 1987 wetland determination only on 1980 topography and 1982 vertical aerial photographs and that dark soils in such a photograph are not evidence of wetness. 3. EPA "picked up" Bilhorn's errors and, by implication, did not do independent research. 4. Bilhorn and EPA did not account for losses of hydrology that resulted from the construction of the Cabo del Mar

[1] Sanders made all the final delineation decisions following the standards developed by the Army Corps of Engineers (Bilhorn, personal communication to J. Dixon on June 29, 2007).
[2] Tom Yocom was a "National Wetlands Expert" for the USEPA at the time of his retirement in 2005. In the late 1980s, Mr. Yocom was responsible for the EPA wetland delineation of the Bolsa Chica lowlands.
[3] Jurisdictional Determination

condominium complex around 1983-1984, several years before their delineations. 5. No direct evidence of surface hydrology was ever reported, and 6. Signal Bolsa Corporation's primary wetland consultant, Dana Sanders, determined in 1991 that "Bilhorn is flawed." I will address these claims in order.

1. Homrighausen et al. (2007) assert that, "Four mappings or wetland determinations made before the Bilhorn/EPA delineation and six made subsequent to it all found no wetland in the 'EPA wetland' area." This might be taken to mean that each of these reports determined that there were no wetlands in the area mapped by EPA. That is not the case. The four early studies (Dillingham 1971, Mulroy 1973, Boule, et al. 1981, and CDFG 1981) were not technical wetland delineations. Dillingham (1971) and Boule, et al. (1981) were vegetation studies that described the Parkside property as "plowed field" and "U/A" (Urban/Agricultural), respectively. Mulroy characterized the area as a "ploughed field" or "wheat field" containing trees and weeds. In 1981, the California Department of Fish and Game designated the whole Parkside property as "severely degraded wetlands (restorable – below +5' MSL)." These reports simply acknowledge the fact that this historical salt marsh was an agricultural field at the time of observations. Of the six "studies" that took place after the EPA determination, three (Sanders 1991, Gill 1992, and Rempel 1992) were not, in fact, studies at all. Sanders (1991) was a determination based on inaccurate reporting of the record (see Dixon 2006) that the EPA wetland was "prior converted cropland"[4] and Gill (1992) was a concurrence letter from the Army Corps of Engineers. Apparently, no field work was conducted for this concurrence and had the record been accurately reported, the area might not have met the definition of "prior converted cropland" (Dixon 2006). Rempel (1992) was a concurrence by CDFG with the report by Kegarice (1997). The flawed nature of that study and my technical assessment of the other two studies (Frank Havore and Associates 1997, Young and Bomkamp 2004) are detailed in my earlier memo (Dixon 2006). In addition, it should be noted that these wetland studies did not attempt to assess conditions as they existed in 1987, but rather dealt with current conditions, which included markedly changed topography.

2. Homrighausen et al. (2007) confound issues associated with wetland identification with separate issues regarding wetland boundary determination. Bilhorn relied on a variety of evidence for his wetland determination (see above). His boundary determination, on the other hand, was based on the wetted area shown on two 1982 aerial photographs[5] and on the location of a topographical depression documented by 1980 elevations. Although the data were not shown,[6] Bilhorn (1987) stated that "seasonal patterns of damp and flooded soils" were determined from the monthly 1981 -

[4] In the 1988 National Food Security Act Manual, the Soil Conservation Service defined "prior converted croplands" as wetlands that, prior to December 23, 1985, were both cropped and manipulated to the extent that they no longer exhibit important wetland values. Specifically, such areas are inundated for less than 15 consecutive days during the growing season during most years. The Corp and EPA do not exert jurisdiction over prior converted cropland.

[5] This was actually a good time to analyze patterns of wetness and inundation. In the week prior to the March 18, 1982 photograph there were about 2.2 inches of rain with 1.8 inches falling on March 17-18. In the intervening days before the March 31, 1982 photograph, an additional .8 inches of rain fell.

[6] In his report on the Bolsa Chica lowland owned by Signal Bolsa Corporation, Bilhorn (1986) mapped the ponded areas shown in the low level, oblique aerial photographs. Unfortunately, the study area for the 1986 report did not include the agricultural field, so no data were shown for the latter. Although the photographs included the agricultural field and Bilhorn (1987) used them for his wetland identification, he did not present the data.

1987 low altitude photographs, as opposed to the two 1982 vertical aerial photographs that he used to estimate the wetland boundary. Homrighausen et al. (2007) also assert that "Bilhorn made a flawed determination of 'wetted soils'" and "presumed that dark soils were equivalent to wet soils." In a recent memorandum (Bilhorn 2007), Mr. Bilhorn states his educational credentials and extensive experience in the interpretation of aerial photographs, emphasizes that in all his work (including that at Bolsa Chica) he combines photo-interpretation with ground-truthing, addresses the "dark soils vs wet soils" issue[7] and stands by his 1987 delineation. A March 19, 1982 oblique aerial photograph shows the EPA wetland completely covered by standing water from the horse arena in the south to the northern property line (Figure 1). This confirms the accuracy of Mr. Bilhorn's determination of wetted soils from his analysis of the March 18, 1982 vertical aerial photograph. Finally, Homrihausen et al. (2007) claim that I found that ponding occurred for less than 7 days during March 1982, implying that this in some way relates to the EPA wetland. In my report (Dixon 2006), I used rainfall to estimate the likelihood of areas AP and WP ponding for at least 7 days given current topography and soil conditions. This obviously says nothing about the actual conditions in 1982 when the topography was very different. At that time, neither AP nor WP was present, whereas the EPA wetland included the lowest point in the agricultural field.

3. Homrighausen et al. (2007) assert that the EPA study was really just a restatement of the Bilhorn study.[8] According to Mr. Yocom, this is not true. EPA took into account data that had been collected by Signal Bolsa Corporation's consultants, but also conducted an independent analysis based on their own interpretation of aerial photographs and site topography.

4. Prior to the 1980s, some portion of the runoff from the mesa and mesa slope where the Cabo del Mar condominiums are now located drained onto the Parkside property. To my knowledge, there has never been a topographic analysis to determine where the runoff was directed or how much drained onto Parkside as opposed to other parts of the mesa or to the residential areas north of Parkside that are at a lower elevation. However, this land historically contributed some amount of water to the agricultural area of Parkside. At least by 1986[9], all the runoff from the Cabo del Mar Condominium complex and some adjacent neighborhoods was directed to a 5-foot storm drain that was constructed on the Parkside property along its northern boundary. Also, for an interim period of unknown duration between about 1978 and the completion of the condominium complex, runoff from an undetermined area was directed to drain pipes that terminated in an open "bubble up structure"[10] just north of the Parkside property line at the base of the slope near the northern Eucalyptus grove. Homrighausen et al. (2007) claim that the delineation of the "EPA wetland" was flawed because neither Bilhorn nor the EPA took into account these changes in hydrology and seem to suggest

[7] Mr. Bilhorn commented that, "... I have a great deal of experience in using aerial photos, and at Bolsa visited and mapped that site almost monthly over something like eight years. I am comfortable in standing by my description of saturated ground as distinguished from dark-mineral colored soil as that was a necessary distinction I had to make each month throughout the Bolsa area."

[8] Similarly, Metzler (2007) states that EPA "perpetuated" an error by Bilhorn.

[9] The construction drawings submitted to the City were signed off "as built" in 1986, but the date of sign-off does not necessary correspond to the date of completion.

[10] Essentially a short length of vertical culvert that terminated above the ground surface and had a protective grated cover.

that if there was a wetland, it was critically dependent on whatever water was diverted by the new storm drain. The latter is an *ad hoc* hypothesis for which there is little evidence one way or the other. One can only say that some amount of water was added or perhaps only directed to a point location (the bubble up structure) for a few years around the early 1980s and that sometime between about 1984 and 1986 water from north of the site was diverted to a storm drain. Both Bilhorn (1987) and EPA (1989) are silent regarding the Cabo del Mar development. However, the grading and construction of the condominiums and the excavation and installation of the storm drain across the agricultural field were not subtle or hidden activities and Bilhorn (1987) stated that he considered "[v]arious records and reports providing dates of construction and land alteration which affect the ...hydrology of the area of study." Although Mr. Bilhorn does not recall the detail of the construction activities that were taking place when he did his assessment, he stated that he would routinely have taken into account obvious changes that affected hydrology and that took place prior to his 1987 report (personal communication to J. Dixon, June 28, 2007).

5. Homrighausen et al. (2007) assert that "...no direct evidence of surface hydrology was ever reported...." Bilhorn (1987) stated that the delineated area was "...indicated by aerial photographs to receive surface water repeatedly from adjacent areas during the winter rainy season." That is direct evidence (also see Figure 1, below). Unfortunately, the photographs are not readily available for verification because Mr. Bilhorn turned over all the photographs to the State Lands Commission when they took possession of the Bolsa Chica lowlands (Bilhorn 2007 and personal communication to J. Dixon on June 28, 2007).

6. Homrighausen et al. (2007) assert that: "...Sanders originally concluded that none of the area in the agricultural field was wetland. Nevertheless, in 1987 Sanders deferred to Bilhorn's hydrology analysis, even though, in retrospect, it appears flawed." In 1987 Sanders concluded that: "Based on the application of the multiparameter approach, the entire subunit (43.8 acres) is presently uplands. This is due to the absence of wetlands hydrology in most of the subunit and hydrophytic vegetation throughout. However, it was determined that a portion of the subunit would probably be sufficiently wet to support hydrophytic vegetation if the farming activities ceased." In his 1991 letter, Sanders backpedaled and claimed that he "preliminarily concluded that none of the area qualified as wetlands" but changed his mind because Bilhorn (1987) showed that during periods of normal rainfall the shallow soil was saturated by a high water table. This characterization of Bilhorn's results is demonstrably false (Dixon 2006). The salient result of Bilhorn's studies was that the water table in the agricultural field was too deep to contribute to wetland hydrology and that the wetland was dependent on rainfall and localized runoff (Bilhorn 1987 and personal communication to J. Dixon on June 28, 2007).

Homrighausen et al. continue: "Sanders makes it clear in his 1991 letter that Bilhorn is flawed, noting the altered hydrology." After rereading Sanders (1991) several times, I remain baffled by this statement. No where does Sanders question Bilhorn's results, he merely misrepresents them. I have previously (Dixon 2006) discussed the grossly

inaccurate representations made by Sanders (1991)[11]. I am attaching copies of Sanders (1987 and 1991) and Bilhorn (1987) so those who are interested can make their own assessment of the reliability and verisimilitude of Sanders (1991).

Landform Alterations

In his memorandum, Jon Van Coops (2007) carefully documents both the fill that has been added to the southwestern portion of the Parkside site (probably originating offsite) and the leveling of the agricultural field by removing soil from some areas and adding it to others. In 1980, the area where a wetland was later mapped by EPA was a depression that included the lowest point in the agricultural field. In general, the ground sloped from the south and east to the north and west. The bottom of the depression was one to one and half feet lower than the surrounding ground and probably corresponded to a low feature in the historical salt marsh. Essentially all the runoff from rainfall that fell onto the agricultural field and the adjacent hillside would have been directed to that depression. Today there is no indication of a depression in that area.[12] It has been completely filled. On the other hand, the base of the hillside to the west has been cut and that is now the lowest place in the agricultural field and the location of the AP wetland. Until 2005, there was a second, shallower depression next to the flood control channel that was designated WP. The delineated boundary was at an elevation of about 1.2 feet and the lowest point was about 0.7 feet. This area was effectively leveled by moving dirt from the hill to the west into the depression with a box plow[13] in December 2005. Therefore, regardless of means or intent, the EPA wetland was filled and the AP and WP wetlands were created between 1977 and 2005. In December 2005, WP was also filled.

In addition to the land leveling that has taken place, fill has been imported and placed in the southwestern portion of the site. The fill upon which the extension of Slater Avenue was constructed was in place prior to the local implementation of the Coastal Act. The fill upon which a stable and associated infrastructure was built was added after 1977. In addition, a ditch was dug around the northern and eastern edges of this raised area, apparently to convey runoff to a pond from which it was pumped, probably into the flood control channel. This unpermitted ditch periodically held water and may have developed wetland characteristics. Using a bulldozer, Shea Homes filled the ditch in 1998 "in preparation for farming." The earlier fill south of Slater Avenue associated with the stable development covered an area that supported pickleweed, a wetland indicator

[11] Sanders (1991) manages to make the following contradictory statements on the same page: "...the water table does not rise to the soil surface during years of normal rainfall...." and "...the area would not have been considered as wetlands except for the high water table expected during years of normal rainfall...."

[12] Homrighausen et al. (2007), however, assert that "Changes in topography have been minimal – a matter of inches, less than the depth of a furrow."

[13] Shea Homes (Metzler 2007) equates a "box plow" with a "wide-blade plow." The use of the latter is considered "plowing" and a normal farming activity by the Corps of Engineers. However, a "wide-blade plow" is a different implement. According to "free.tractor.manuals.com," a wide-blade plow is synonymous with "sweep plow," "Noble blade plow," "blade plow," and "V-blade plow" and refers to a "wide flat blade tractor implement that kills weeds without disturbing surface residue." A similar definition is provided by the Savannah Company, which manufactures blade plows (www.savannahglobal.com). In any event, "redistribution of surface materials by blading, rading, or other means to fill in wetland areas is not plowing" by federal standards (33CFR320-331).

plant, in 1971. The area no doubt was still a wetland when it was filled. The fill north and west of the horse arena occurred in areas that were periodically inundated, judging from aerial photographs. However, there are insufficient data upon which to determine whether most of those areas would have met the definition of wetlands under the Coastal Act and the Commission's Regulations at the time they were filled. A small portion of that fill appears to have been placed on the EPA wetland (Van Coops 2007, Exhibit 26).

1998 Farming Operations

Metzler (2007) characterizes an April 22, 1998 photograph of a bulldozer grading and moving earth within the agricultural field as being a "weed abatement operation," and implies that it was a necessary response to a weed abatement order from the City of Huntington Beach. On April 20, 1998, apparently in response to concerns from citizens and the Department of Fish and Game,[14] the City of Huntington Beach acted as follows:

> The motion made by Green, second Sullivan to authorize the Street Superintendent to proceed with abatement of said nuisance, except Shea Company property located at southerly terminus of Graham Street, north of Orange County Flood Control channel (except for 100 foot buffer zone by residences for fire protection purposes) and report this matter at the Council meeting of May 4, 1998. The motion carried by unanimous vote with Councilmember Julien recorded absent.

Apparently, weed abatement was only required in a 100-foot strip long the northern boundary of the property that is adjacent to existing residences.[15] Generally, weed abatement is accomplished by mowing to a height of no more that 6 inches or by disking and does not require the movement of earth from one place to another. The bulldozer operation that took place in April 1998 did accomplish the abatement of weeds, but it also resulted in significant landform alteration as is suggested by the piles of earth that were documented in a video taken by a local resident (Figure 2).

Raptor Habitat and Its Protection

Foraging Habitat

At the May 10, 2007 Hearing, members of the public pointed out that the agricultural fields on the Shea Homes Parkside property offer foraging opportunities to raptors that would be lost as a result of the planned development. In a comment letter on the draft Environmental Impact Report for Parkside Estates, the California Department of Fish

[14] "Scott Harris, biologist, California Department of Fish and Game, stated that new information has been given to the state Department of Fish and Game. He presented reasons why he would urge that weed abatement be postponed for at least one growing season to give any wetlands vegetation a chance to come back so that a more complete wetland evaluation can be on that property. Mr. Harris responded to Mayor Pro Tem Green regarding the possibility of reversing the letter of the California Department of Fish and Game." From the Minutes, City Council/Redevelopment Agency, City of Huntington Beach, April 20, 1998.

[15] However, it was also made clear at the meeting that there was no reason not to disk the field for farming.

and Game (Rempel 1998b) found that, "Agricultural areas, grasslands and wetlands are of seasonal importance to several species of raptors in Orange County by providing important, if not vital, staging and wintering habitat. These habitats also provide forging areas for resident breeding raptors." Although the potential impact to raptor foraging habitat was noted, Rempel (1998b) did not recommend any specific mitigation.

In recent years, the California Department of Fish and Game has recommended that losses of documented raptor foraging habitat would be adequately offset by the dedication of 0.5 acres of foraging habitat for every 1.0 acre that is lost (e.g., Tippets 2000 and W. Tippets (CDFG), personal communication to T. Henry (CCC) in 2004). In past actions,[16] the Commission has followed this recommendation.

Since raptor foraging habitat is typically comprised of annual grassland and ruderal areas, I queried a number of raptor experts regarding the significance of agricultural areas that are frequently planted in row crops. Although plowed fields tend to have lower foraging value than undisturbed areas, they are still important. If the agricultural land is allowed to go fallow for part of the year and if it is periodically flooded it will also bring in more raptor prey species (Scott Harris, CDFG, email to J. Dixon on May 25, 2007). At an agricultural site in the Halfmoon Bay area there is significant raptor foraging in disked areas (G. Deghi, email communication to J. Dixon on June 8, 2007). Peter Bloom observed that gophers are often abundant in agricultural fields and that even repeated plowing does not exclude all rodent species (email communication to J. Dixon on June 4, 2007). Gary George, the Executive Director of the Los Angeles Audubon Society noted that agricultural fields are used for foraging by white-tailed kites, northern harriers, ferruginous hawks, and Swainson's hawks (email communication to J. Dixon on May 27, 2007). Although, there has been no attempt to quantify the raptor use of the agricultural field at the Shea Homes Parkside property, Mark Bixby (2007), a local resident who regularly visits the site, "semi-regularly" observes foraging by white-tailed kites, northern harriers, kestrels, and Cooper's hawks, especially in the western portion of the agricultural field nearest the Bolsa Chica Mesa and the stands of Eucalyptus trees.

Therefore, it appears that the agricultural field at the Shea Homes Parkside property is a significant foraging resource for several raptor species, including the white-tailed kite, which is a California "fully protected species." Bloom (2000) estimated the average distance from their hunting perch that raptors take prey: red-tailed hawk (100-300 yd / 91-274m); red-shouldered hawk (100ft / 30m); merlin (75-400yd / 69-366m); peregrine falcon (150yd / 137m); Cooper's hawk (50-250yd / 46-229m); sharp-shinned hawk (50-150yd / 46-137m); great horned owl (100-300yd / 91-274m); barn owls (25-100yd / 23-91m). This also suggests that the portion of the field that is closest to the western hillside and the Eucalyptus groves is of greatest significance to raptors.

[16] For example, Revised Findings for 5-97-367-A1 (Hellman Properties LLC) adopted June 14, 2000 and Revised Findings for 5-05-020 (Hearthside Homes/Signal Landmark) adopted October 13, 2005 (original CCC action was on April 14, 2005).

Eucalyptus Tree ESHA and Protective Buffers

Most of the area supporting the trees that line the edge of the Bolsa Chica Mesa has been recognized as an Environmentally Sensitive Habitat Area (ESHA) by the Coastal Commission in past actions because of the important ecosystem function of providing nesting, perching, and roosting habitat for many species of birds of prey. I have recommended that the northern grove of trees on the Parkside property also be designated as an ESHA because it has been documented to provide the same ecosystem functions as the rest of the trees and recommended a 100-meter protective buffer (Dixon 2006b). The following discussion presents the rationale for recommending a 100-meter development setback.

The protective function of development setbacks or buffers increases in some non-linear fashion with an increase in the width of the buffer. The amount of protection provided by the buffer can probably be described by an S-shaped curve, increasing slowly for ten or twenty meters, then rapidly for some unknown distance that varies by species (but probably from several tens of meters to a few hundred meters) and finally slowing and approaching an asymptote at greater distances. Therefore, within that middle range of distances whether or not a buffer is protective is not a "yes" or "no" question, but is instead a matter of degree. The shape of the curve and the feasible level of protection also varies with the landscape setting.

In an urban setting, feasible development setbacks are probably always too small to prevent impacts to all wildlife species. For example, Findlay and Houlahan (1997) found a negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity. It is very unlikely that such relationships would be evident in urban areas because the potential buffer zone is already developed and the most sensitive species are already lost. The scale of disturbance and its ecological effects is irreversibly altered by urbanization. Whereas in a natural setting a 2-kilometer buffer might be measurably more protective than a buffer of a few hundred meters, in an urban setting the maximum possible buffer is generally no more than one to several hundred meters and often less.

Another complication in an urban setting is that many birds that are present are either genetically predisposed to tolerate disturbance or have become habituated to human activities. These are the birds that will be most apparent to human observers. In the context of the nearby Hearthside Homes Brightwater development, LSA (2000) conducted a flushing study. They found that, when their perches were approached by a pedestrian, raptors flushed at distances that varied among species, individuals, and height of the perch. The lower the perch the sooner the birds flushed. Kestrels were most tolerant of human presence, often not flushing at all (flushing range 0 – 13 m). At the other extreme the single turkey vulture approached flushed at a distance of 70 m. White-tailed kites, which are sensitive to human intrusion in natural settings, generally flushed when approached to 30 m. Given the relatively high level of disturbance within the habitat where the study was done, it is reasonable to assume that most of the birds

that persisted there were relatively tolerant of human presence and these flushing distances should be considered minimums.

The problem with such studies is that they probably are examining only the tolerant subset of the raptor populations. Less tolerant birds would flush much sooner and may avoid many urban areas. Jurek (2000) pointed out that, "Individuals within a species may have differing levels of response to human activities, owing to variation in the population for tolerating unusual situations, or to differences in habituating to human activities out of past experience or upbringing. The same level of activity that would not adversely affect one of the habituated raptors might be perceived by a newly arrived individual of the same species in the ESHA to be threatening, causing the bird to not return there." Similarly, Walton (2000) wrote that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." and "They describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

Studies conducted in natural settings find greater sensitivity to disturbance and result in recommendations for much larger buffers. Richardson and Miller (1997) cite several studies of flushing, the results of which vary among raptor species. Across species, the average minimum and average maximum flushing distances were, respectively, 35 m and 293 m for vehicle disturbance and 40 m and 466 m for pedestrian disturbance. The pedestrian figures suggest greater sensitivity to disturbance than was observed by LSA, but a different suite of species were observed in the two reports, which confounds direct comparison. However, two species were common to both reports. Merlin allowed approach all the way to the perch tree at Bolsa Chica but flushed at 17 m – 180 m elsewhere. Similarly, kestrels often never flushed at Bolsa Chica (range: 0 m –13 m), whereas they flushed at approach distances of 10m – 100 m elsewhere. These data suggest that raptors that currently use the highly disturbed portion of the ESHA at Bolsa Chica[17] are more tolerant of human presence than the average individual at less disturbed locations. The corollary is that many birds that could potentially use the ESHA may be excluded by human disturbance (cf. Jurek, 2000 and Walton 2000).

In their literature review, Richardson and Miller (1997) found that raptor biologists recommended buffers for various species of nesting raptors from 200 m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcon. The following buffers were recommended for raptors that are known to have occurred at Bolsa Chica: Osprey (400–1500m), Cooper's Hawk (400–600m), sharp-shinned hawk (400-500m), red-tailed hawk (800m), peregrine falcon (800-1600m), American kestrel (50-400m). In order to prevent flushing by 90 percent of wintering individuals in rangeland and agricultural habitats, Holmes (1993) recommended buffers of 75 m for American kestrels and 125 m for merlin. Ferruginous hawks, which have the potential to occur at Bolsa Chica (Bloom, 1982), were subjected to experimental disturbance by White and Thurow (1985), which resulted in nest abandonment and lowered fledging success. Based on their experiment, they concluded that a buffer of 250 m would prevent nest desertion for 90% of the population. Bloom (2000) estimates flushing distances for raptors that occur at Bolsa Chica as follows: Osprey, red-tailed

[17] With the application of a Habitat Management Plan, the level of disturbance should decrease significantly.

hawk, rough-legged hawk, white-tailed kite, and peregrine falcon (100yd / 91m); Cooper's hawk (≥ 100yd / 91m); merlin (50 yd / 46m), great horned owl (75 yd / 69m); barn owl (day: 10 yd/ 9m).

White-tailed kites are a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, I think that buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the Bolsa Chica ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom 2002); 100m (Holmgren 2002); 50m (J. Dunk (raptor researcher) in personal communication to M. Holmgren, 2002); 46-61m with "low-frequency and non-disruptive activities" (Froke 2002). These estimates suggest that a 100-m buffer in an urbanized setting is probably adequate, but not overly conservative.

The California Department of Fish and Game (1982) and the U.S. Fish and Wildlife Service (1979) also recommended a 100-m buffer for Eucalyptus ESHA at Bolsa Chica. The Service (1919) stated that, if planning adhered to USFWS guidelines, not only would 100-m buffers be established around the Eucalyptus groves but, "No development or access of any type would be allowed in the buffer area. Park corridors could border the zone but not intrude into it."

LSA, the consultant group for both Hearthside Homes and Shea Homes, has argued for very narrow buffers at Bolsa Chica. However, for the ESHA to the west of the Shea property, Homrighausen and Erickson (1999) concluded that a "100 foot buffer will provide adequate distance to permit nesting by the most common and least sensitive raptor species in all suitable portions of the ESHA" and that "The southern side of the ESHA will have a great deal of utility for virtually all the nesting birds, because it is bordered by hundreds of acres of open space, it will be screened from the development area by the northern edge of the ESHA, and a substantial portion of the grove is a least 100 meters from future development." I think taken together these statements indicate that development closer than 100 meters will reduce the utility for nesting raptors of those portions of the ESHA that are closest to the development footprint and therefore that a reduced buffer would violate Section 30240(b) of the Coastal Act because the portions of the ESHA nearest the development would be significantly degraded and no longer suitable for nesting by some of the raptor species at Bolsa Chica.

Finally, there seems to be a tendency to argue for narrower buffers where there are sources of disturbance already present. For example, the northern grove of Eucalyptus at the Shea Homes property is perpendicular to an adjacent condominium complex. If anything, this circumstance should be recognized as a reason to increase the amount of protection for the portions of the ESHA that are still adjacent to open space. If disturbance is allowed close to the trees on the remaining sides of the grove, the utility of the habitat to raptors would be severely compromised.

For all these reasons, I recommend that the Eucalyptus tree ESHA on and adjacent to the Shea Homes property be provided with 100-meter development setbacks. Such a

buffer will not only keep disturbance at a distance, but it will provide foraging opportunities close to perching and nesting areas.

Attachments:

Bilhorn (1987, 2007), Sanders (1987, pages 49-50), and Sanders (1991).

SANDRA GENIS, PLANNING RESOURCES
1586 MYRTLEWOOD COSTA MESA, CA. 92626 PHONE/FAX (714) 754-0814

April 2, 2010

Jennifer Villasenor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: Recirculated MND for The Ridge (SCH # 2009091043)

Via e-mail

Dear Ms. Villasenor,

Thank you for the opportunity to comment upon the Mitigated Negative Declaration for The Ridge project (MND No. 08-016; SCH # 2009091043) located on approximately 5 acres of property in the City of Huntington Beach, Orange County. These comments are submitted on behalf of the Bolsa Chica Land Trust and myself. I request that my comments dated October 9, 2009, as well as all comments by any other party, submitted on the previously circulated MND No. 08-016 be included in the public record for the recirculated MND.

The applicant proposes to construct twenty–two dwelling units, roadways, drainage improvements, private open space amenities, and related infrastructure on the project site. The project would be developed as a Planned Unit Development. In order for development to proceed the following discretionary approvals would be needed:

- General Plan Amendment, changing the site's land use designation from Open Space-Park(OS-P) to Residential Low Density (RL)
- Local Coastal Program Land Use Plan Amendment, changing the site's LUP land use designation form Open Space-Park (OS-P) to Residential Low Density (RL)
- Zoning Amendment, changing the site's zoning designation from Residential Agriculture-Coastal Zone Overlay (RA-CZ) to Residential Low Density-Coastal Zone Overlay (RL-CZ)
- Amendment to Chapter 210.12 of the Zoning Code to allow greater flexibility in provision of required parking, including provision for tandem parking
- Tentative Tract Map
- Coastal Development Permit
- Conditional Use Permit

The site is highly sensitive as part of the Bolsa Chica ecosystem, including but not limited to the Bolsa Chica Ecological Reserve. Resources in the immediate area include an environmentally sensitive habitat area to the east and important cultural resources. Cultural resources include Ca-Ora-83, which is listed by the Native American Heritage Commission registry of sacred sites and was recently determined to be eligible for listing on the National Register of Historic Places.

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The portion of Ca-Ora-83 on the Brightwater property, to the west, was found to contain human remains, and was likely a prehistoric cemetery. In an April 8, 2008 letter to the Coastal Commission, Larry Myers the Executive Director of the Native American Heritage Commission states the following:

> The NAHC has not received a report clearly showing the dates, locations and details of burial discoveries. At this point based on information available and the large number of burials recovered and associated items, ***it appears that the whole area may be a burial ground.*** [emphasis added]

The Process

In accordance with Section 21080(d) of the California Environmental Quality Act:

> If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

Section 21080(e) defines "substantial evidence" as follows:

> (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, **or** [emphasis added] expert opinion supported by fact.
> (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

The courts have held that "relevant personal observations by area residents" may be properly considered substantial evidence. (*Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903: *Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist*, (2004) 116 Cal.App.4th 402; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.*, (2002)101 Cal.App.4th 1347; *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322.)

As stated in *Citizens for Responsible & Open Government v. City of Grand Terrace*, (2008) 160 Cal. App. 4th 1323:

> CEQA provides that generally the governmental agency must prepare an EIR on any project that may have a significant impact on the environment. (§§ 21080, subd. (d), 21100, subd. (a), 21151, subd. (a); *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 570–571 [80 Cal. Rptr. 2d 294], quoting *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601–1602 [35 Cal. Rptr. 2d 470].) Whenever there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment, an EIR normally is required. (§ 21080, subd. (c)(1); Guidelines, § 15070, subd. (a); *Gentry v. City of Murrieta* (1995) 36

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> Cal.App.4th 1359, 1399 [43 Cal. Rptr. 2d 170]; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927 [21 Cal. Rptr. 3d 791] (*Pocket Protectors*).) "The fair argument standard is a 'low threshold' test for requiring the preparation of an EIR…
>
> A mitigated negative declaration is one in which "(1) the proposed conditions 'avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, *and* (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.' (§ 21064.5, italics added.)" (*Architectural Heritage Assn. v. County of Monterey, supra*, at p. 1119; see also *Citizens' Com. to Save Our Village v. City of Claremont* (1995) 37 Cal.App.4th 1157, 1167 [44 Cal. Rptr. 2d 288].)

As stated in *Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903:

> Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: "if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil*[, *supra,*] 13 Cal.3d 68)." Thus, as *Claremont* itself recognized, "Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal. App. 3d 229, 244–245 [227 Cal. Rptr. 899]; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988 [165 Cal. Rptr. 514]." (*Claremont, supra*, 37 Cal.App.4th at p. 1168.)
>
> It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project. (See *No Oil, supra,* 13 Cal.3d at p. 85.)

Adoption of a Mitigated Negative Declaration is inappropriate in this case inasmuch as the clear potential for significant adverse impacts on the environment exists. These include but are not limited to impacts on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics.

Potential Impacts

As noted above, potential impacts may occur on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics. These are described in more detail as follows:

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Biological Resources

As described in the City of Huntington Beach General Plan Coastal Element, (pp. C.IV-77 and 78), important biological resources exist on the Parkside site, which abuts the Ridge property on the east:

> There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited.
>
> In addition, on the site's western boundary, at the base of the bluff, is a line of eucalyptus trees that continues offsite to the west. These trees are used by raptors for nesting, roosting, and as a base from which to forage. The trees within this "eucalyptus grove" within or adjacent to the subject site's western boundary constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. The Eucalyptus trees along the southern edge of the Bolsa Chica mesa are used for perching, roosting, or nesting by at least 12 of the 17 species of raptors that are known to occur at Bolsa Chica. Although it is known as the "eucalyptus grove", it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA by multiple agencies since the late 1970's (USFWS, 1979; CDFG 1982, 1985) not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. Some of the raptors known to use the grove include the white tailed kite, sharpshinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food. These Eucalyptus trees were recognized as ESHA by the Coastal Commission prior to its 2006 certification of this section of this LCP, most recently in the context of the Coastal Commission's approval of the adjacent Brightwater development (coastal development permit 5-05-020).
>
> The Eucalyptus grove in the northwest corner of the site, although separated from the rest of the trees by a gap of about 650 feet, provides the same types of ecological functions as do the rest of the trees bordering the mesa. At least ten species of raptors have been observed in this grove, and Cooper's hawks, a California Species of Special Concern, nested there in 2005 and 2006. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors these trees also constitute ESHA.

Additional information regarding the Eucalyptus trees is provided in a July 26, 2006 Coastal Commission staff report on what is known as the Parkside Project (p.31, Agenda Item Tu 8c, August 6, 2006):

> The Eucalyptus ESHA in the northwest corner is known to have supported a nesting pair of white tailed kites in the spring of 2005. In addition to the nesting kites, this area of the Eucalyptus ESHA provides similar roosting and perching opportunities for the suite of raptors.

The need for adequate buffers was then discussed (July 26, 2006 Coastal Commission staff report pp.31-32, Agenda Item Tu 8c, August 6, 2006):

> In order to assure the ESHA is protected and remains viable, in addition to precluding nonresource dependent development within the ESHA, a buffer zone around the ESHA must be established. A buffer zone would require that development adjacent to the ESHA be set back an appropriate distance from the ESHA. The setback is intended to move the development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance. The distance between the ESHA and development, the buffer zone, must be wide enough to assure that the development would not degrade the ESHA and also would be compatible with the continuance of the ESHA.
>
> For purposes of establishing protective buffers, the eucalyptus grove ESHA boundary should be considered to fall along the drip line of the outermost trees of the grove (see exhibit). The specific area of an appropriate buffer is more difficult to quantify.
>
> There is, to some degree, a subjective approximation element in assigning dimensions to protective habitat buffers or development setbacks. For example, it probably would not be possible to distinguish the different biological effects of a 100-foot buffer compared to a 110-foot buffer or those of a 300-foot-buffer from a 100-meter (328-foot) buffer. We tend to choose round numbers in whatever units we are using. However, the difference between a 100-foot buffer and a 100-meter buffer would provide discernable benefits to wildlife. Commenting on a proposed development that borders the eucalyptus grove ESHA on its western side (coastal development permit application number 5-05-020, Brightwater), wildlife agencies recommended a buffer width of 100 meters. However, the applicant's consultant's for that project recommended a 100 foot buffer. These large differences reflect differing opinions concerning the sensitivity of raptor species to disturbance and differences in opinion concerning the acceptable risk of disturbance impacts to raptors, especially raptors that have the potential for nesting at Bolsa Chica.
>
> In an urban environment development setbacks are usually inadequate to protect all individuals of wildlife species of concern from significant impacts. In an urban setting a buffer is usually no more than one to several hundred meters, and usually less, whereas in a natural setting, a buffer of two kilometers has been found to be significantly more protective. For example, Findlay and Houlahan (1997) found a

negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity.

Development must be separated from ESHAs by buffers in order to prevent impacts that would significantly degrade those areas. Again, with regard to the Brightwater development, buffer recommendations from the same ESHA included a 150-meter buffer recommendation by Dr. Findlay, of the University of Ottawa. CDFG and USFWS previously recommended the establishment of a 100-meter buffer on the Bolsa Chica Mesa in the 1980's. The Coastal Commission staff ecologist recommended a minimum 100-meter buffer around the eucalyptus ESHA. In further studying the appropriate buffer for the Eucalyptus ESHA, Dr. Dixon (staff ecologist) stated:

> The buffer around the Eucalyptus tree ESHA is particularly important if those trees are to continue to function as nesting habitat for a variety of raptors. The California Department of Fish and Game and the U.S. Fish and Wildlife Service recommended a 100-m buffer. A literature review found that raptor biologists recommended buffers for various species of nesting raptors from 200m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcons ...In an independent review concerning a prior development proposal at Bolsa Chica with 100-foot (30-m) buffers, raptor expert Brian Walton opined that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." [and] "[t}hey describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

The 100 meter buffer recommended by USFWS (1979), CDFG (1982), and by staff is necessary to prevent disturbance to raptors that utilize the eucalyptus ESHA, and, based on raptor expert Peter Bloom's estimates of foraging distances, is also large enough to provide significant foraging opportunities close to the nest. This is particularly important because distant foraging increases the risk of nest predation. White-tailed kites, a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the eucalyptus ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom, 2002); 100m (Holmgren, 6.7.2002); 50m (J. Dunk (raptor researcher) in person communication to M. Holmgren, 2002); 46-61m (with "low-frequency and non-disruptive activities"; Froke, 2002). These estimates suggest that a 100-m buffer is probably adequate, but not overly conservative.

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In addition, grading was to be prohibited within 500 feet of any active nest. (April 1, 2005 Coastal Commission staff report pp.9,12,26,28,68 Agenda Item Th 7a, April 14, 2005).

According to EA No. 2008-016 (p. 33), the proposed project would extend to within 140 feet of the ESHA with the nearest residential lot 160 feet from the ESHA. Construction in this area would involve heavy machinery for grading. The proposed buffer, under 50 meters from the ESHA, less than half the 100 meters considered "probably adequate, but not overly conservative" by Coastal Commission staff, would fall far short of the buffer needed for adequate protection of the ESHA. Thus, it is likely that disturbance of raptors utilizing, or attempting to utilize, the Eucalyptus ESHA would sustain adverse impacts. Indeed, as stated in the Recirculated MND, "Impacts ...on surrounding habitat areas...could occur from intrusion of people and pets in the area as well as from noise, light, dispersal of nonnative plants and introduction of pests and feral species."

Exacerbating the situation, fill on the site will result in a situation with the tops of the trees approximately at the proposed pad elevation. As noted by Coastal Commission staff ecologist, John Dixon (April 1, 2005 Coastal Commission staff report pp.8,12 Agenda Item Th 7a, April 14, 2005; September 24, 2004 Coastal Commission staff report pp. 41,55, Agenda Item W 12g, October 13, 2004; July 29, 2004 Coastal Commission staff report pp. 36,38 Agenda Item Th 23e, August 12, 2004) raptors nest in the tops of the trees. Raptors tend to seek out high points, hence the use of the trees for roosting and nesting in the first place. Nearby activities at, and possibly even above, the level of potential nesting sites would be highly disturbing. Thus construction on elevated pads will increase impacts on the resource.

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21). The EA does not provide information as to what the treatment will entail or its effectiveness in removing urban pollutants, including such materials as petroleum residues, tire residues, landscape chemicals, and heavy metals. Unless treatment is one hundred percent effective in removing such materials, which is not likely, adverse impacts on the wetlands could occur. In addition, the proposal would redirect drainage currently flowing to the wetlands on the Parkside site, potentially resulting in impacts on those wetlands.

Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to predation by domestic pets including cats and dogs (November 1, 2007 Coastal Commission staff report pp.11,41,45, Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp.20,27,28,29,34, Agenda Item Th 11a, October 13, 2005). In accordance with Zoning Code Section 221.10, a Domestic Animal Control Plan is required for development adjacent to ESHA. However, no detail as to the proposed plan is provided. Would the proposed perimeter fence include a barrier (EA p.33) similar to the "wall of death" at the nearby Brightwater development, resulting in additional significant, adverse impacts to avifauna? Control of domestic cats is especially problematic. Absent measures which would ensure that all domestic pets are fully controlled at all times, including leashing of cats, it cannot be concluded that no impact would occur. In fact, it is likely that impacts would occur.

Coyote predation may help to control midlevel predators, including cats. However, if current city controversy is any indication, it is more likely that the proposed project will result additional calls for control of this important element in the food chain with the City responding accordingly. This potential impact on coyotes or other predators must be addressed.

Potential impacts would occur due to increased light, glare and noise, with potential impacts on sensitive species. Even if lighting were directed downward, this could result in lighting directed down toward ESHA to the east. It is disingenuous to imply (p.33) that sensitive species will somehow become inured to outdoor lighting, backyard barbeques, noise from stereos, neighborhood pets, and collisions with transparent or reflective surfaces.

All of these significant impacts on biological resources must be examined in an environmental impact report.

Air Quality

EA No. 2008-016 provides information regarding air pollutant emissions during construction and concludes that no impact will occur, based on the project's contribution to regional emissions (EA p. 24). Emissions were calculated using the URBEMIS 2007 model (version 9.2.4) (p.24). While the previously circulated MND did not address localized significance thresholds (LSTs), the Recirculated MND includes new information as to localized effects and concludes that no localized effects would occur either, although data in the previously circulated MND indicate otherwise.

As noted in the previously circulated EA No. 2008-016 (p. 24), the proposed project was anticipated to generate 26.26 pounds per day of PM_{10}, i.e. fine particulates less than 10 microns in diameter, thus exceeding the localized significance threshold of 14 pounds per day established by the South Coast Air Quality Management District (SCAQMD) for source receptors within twenty-five meters (approximately eighty-two feet) of the site boundary. This would have affected nearby residents, natural habitat, and the thirty-foot-wide pathway at the northerly site boundary which is utilized by large numbers of school children daily on their way to school. However, the previously circulated MND failed to address LSTs or acknowledge this impact. This was noted in comments submitted on the previously circulated MND.

Miraculously, the recirculated MND provides new emissions estimates for particulates that are only a fraction of previous estimates, falling well below LSTs.

Construction Emissions

	PM 2.5	PM10
2009 MND	6.37 lb/day	26.26 lb/day
Recirculated MND	1.74 lb/day	4.06 lb/day
LST	2 lb/day	14 lb/day

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This is highly suspect. According to Recirculated EA No. 2008-016, the emissions numbers were revised to include emissions reductions due to implementation of SCAQMD Rule 403 and other mitigation measures, including frequent watering of the site, proper equipment maintenance, and use of low VOC coatings (p. 24). The SCAQMD web site includes the following note regarding URBEMIS 2007 model (version 9.2.4):

> NOTE: An error has been identified associated with the fugitive dust construction mitigation measures for PM. Therefore, the only mitigation measures acceptable for use are either watering OR chemical suppressants.

As noted SCAQMD's documentation for Rule 403 (Appendix F, Emissions Reductions Estimates, BCM 6), watering could result in a fifty percent reduction in fugitive dust emissions. However, the above table assumes reductions of 73 percent of PM 2.5 and 85 percent of PM 10 due to implementation of impacts. This is contrary to the above directive and must be revised. All assumptions regarding type of equipment to be used, scheduling of equipment and other factors must be presented as part of this environmental review. Absent such documentation, one cannot be confident that the emissions estimates included in the previously circulated MND were appropriately revised. Based on the original emissions calculation, construction emissions will result in a significant localized air quality impact which must be examined in an environmental impact report.

Noise

Development of the site will result in increased noise during construction and upon occupation of the site. Noise from concrete mixers (85 dBA at 50 feet), generators (81 dBA at 50 feet) and other construction equipment (74 to 98 dBA at 50 feet) would be well above ambient noise levels, affecting nearby residents as well as wildlife.

Construction haul routes are not identified in the EA. Noise would also be generated along those routes, with fully loaded trucks typically generating noise levels of 88dBA at fifty feet. At least a portion of any haul route would be along residential streets, creating noise levels well in excess of ambient noise levels in residential areas.

EA No. 2008-016 indicates that the .the applicant is "proposing to utilize noise mufflers on all heavy equipment" (p.37). However, EA No. 2008-016 fails to reveal how much the proposed mufflers would reduce the clearly significant noise impact nor ensure that what the applicant "is proposing" would actually be implemented.

Construction noise is a significant impact which must be examined in an environmental impact report.

Aesthetics

Views of the site will sustain significant adverse impacts due to implementation of the proposed project. Open space would be replaced by housing and night time views would include

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additional outdoor lighting. Views across the site from existing public streets and paths toward the Reserve and other open space would be lost.

Impacts would be greatest from the existing public pathway in the thirty-foot-wide city parcel extending along the northerly boundary of the site. Numerous people currently utilize the pathway for recreational purposes and as a pleasant transportation alternative to riding a bicycle on the street with vehicular traffic. As shown in cross sections in Attachment 2.1 to the EA, a solid wall up to eight feet in height will be constructed, totally blocking any views from the public parcel and creating a tunnel effect similar to that created along Los Patos by the Brightwater development. The public will lose all visual access to coastal resources in this area. No "meandering pathway" or "landscaped buffer" (EA, p. 2) can compensate for this loss.

Aesthetic impacts, particularly loss of views from public areas, must be examined in an environmental impact report.

Hydrology and Water Quality

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21), thereby altering existing drainage patterns. Surface water currently flowing to the wetlands on the Parkside site, would thus be reduced.

The EA indicates that low flows would be retained on-site (p. 21). This would be consistent with California Water Resources Control Board Order No. WQ-2000-11 and Santa Ana Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030, NPDES No. CAS618030, which require the retention or treatment of low flows up to an 85th percentile storm event. Low flows from the proposed project would percolate into the ground, although no information is provided regarding subsurface conditions. Future lateral movement of what will become subsurface waters must be considered. Will drainage ultimately travel to the bluffs, resulting in increased bluff erosion? Bluff erosion is an ongoing process at Bolsa Chica. Recently, plans for a foot-bridge along Warner, west of the project site, had to be revised to respond to the several feet of bluff erosion that had occurred in just the few short years of the planning process for the foot-bridge. Any increase in drainage in bluff areas would thus be potentially significant.

Impacts on drainage must be examined in an environmental impact report.

Land Use

The proposed project would result in the development of approximately five acres of open space land currently designated for open space under the general plan and local coastal program. This is a significant impact, made all the more significant when considered in conjunction with other proposed and recent development in the area, including the Brightwater project, Parkside development, and the Goodell parcel.

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The project would eliminate five acres of potential future parks while creating a demand for an additional 0.29 acres (12,415 square feet)of park land, based on a future population of 57 residents (EA p. 15) and a general plan standard of five acres of park land for each one thousand residents (EA p. 41). While the applicant would be required to dedicate land or pay in-lieu park fees, this would not necessarily eliminate potential impacts. In-lieu fees must be utilized to provide park facilities for the project from which they are generated (Government Code Sec. 66477(a)(3)). The Huntington Beach Recreation and Community Service Element does not identify any new locations in the nearby area for future local parks which would be available to serve future residents of the proposed project. The project thus fails to meet general plan goals for park land.

These significant impacts on land use must be examined in an environmental impact report.

Transportation/Access

EA No. 2008-016 identifies potential impacts on parking, circulation and pedestrians during construction, particularly during earth hauling activities (p. 28). The EA then notes that the project would "not impact a large number of surrounding residential uses", implying that some "not large" number of residents would sustain an impact, possibly a significant one. The EA fails to define "not large". Would the dozens of dwelling units taking access to Bolsa Chica Street at Dorado Drive be "not a large number"? What about the seventy-one-unit apartment building on Bolsa Chica Street? In any case, impacts would be significant even if only a couple of homes were affected.

The proposed project would provide a portion of the required parking as tandem spaces. As noted in Recirculated EA No. 2008-016 (p. 43), "This may...result in more on-street parking spaces being occupied more often". This would then reduce available street parking for guests and other visitors, such as repair people. A dearth of available street parking would potentially spill out onto nearby public streets, resulting in reduced parking available for the general public seeking to access coastal resources. This is a significant impact.

Impacts due to construction and proposed parking configurations must be examined in an environmental impact report.

Cultural resources

The project site contains CA-ORA-86 a site which is often considered in conjunction with CA-ORA-144 and CA-ORA-83. As noted in EA No. 2008, 016 (p. 40), the site has been subject to previous studies. It is extremely disappointing that the EA belittles the significance of on-site archaeological resources, describing the site as disturbed and likely to yield little of value in language reminiscent of environmental documents for the Brightwater site which had also been subject to numerous previous studies. As we now know, CA-ORA-83 at the Brightwater development site to the west has yielded numerous cog stones and human remains not acknowledged or anticipated in environmental documents for the project, resulting in a tragic loss of cultural values and desecration of burial sites. CA-ORA-83 extends east of the Brightwater site, across the Bolsa Chica Street alignment.

In any case, the loss of any additional cultural resources in this area would constitute a significant adverse effect, even if resources are documented and recovered. As stated by Susan Stratton, supervising archeologist at the California Office of Historic Preservation, commenting on CA-ORA-83:

> I don't see how you can mitigate for this. Let's say you completely destroy a building. How are you going to compensate for the destruction? Maybe you build a replica. But in this case you have an archeological site and it's a non-renewable resource so whatever remains of this particular site, it's forever. It will never be duplicated. You can't build a replica of this.

Archaeological sites are fragile and non-renewable. Archaeological "recovery" is a destructive process. It is essential that on-site cultural resources be preserved at their existing location for future generations with advanced archaeological techniques that can provide answers to the questions we cannot answer with today's technology and that is non-destructive.

Impacts on cultural resources must be examined in an environmental impact report in light of what has occurred on the Brightwater site to the west.

Cumulative Impacts

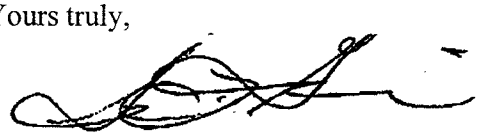
In addition to the many significant environmental impacts to be created by the proposed project when considered on its own, the project will contribute to cumulative impacts generated by other, related development in the area, including projects at Brightwater, Parkside, and the Goodell site, which is also currently in process. This will result in significant cumulative impacts on air quality, noise, traffic, loss of habitat, and loss of open space to name a few. It is particularly puzzling that separate MNDs would be processed for the adjacent Ridge and Goodell sites at the same time, rather than examining the impacts of development of the area in one environmental document.

Conclusion

Based on the above, it cannot be assured that no significant adverse impacts will occur as a result of the proposed project. On the contrary, it is likely that impacts can and will occur. Thus, the proposed MND should not be adopted.

Thank you for the opportunity to comment. Please keep us informed as this project proceeds.

Yours truly,



Sandra L. Genis

Attachment:
Sources cited

ATTACHMENT NO. 5.39

Sources

Arviv Enterprises, Inc. v. South Valley Area Planning Com., (2002)101 Cal.App.4th 1347;

Citizens for Responsible & Open Government v. City of Grand Terrace, (2008) 160 Cal. App. 4th 1323

California Coastal Commission, July 29, 2004 staff report Agenda Item Th 23e, August 12, 2004

California Coastal Commission, September 24, 2004 staff report, Agenda Item W 12g, October 13, 2004

California Coastal Commission, April 1, 2005 staff report, Agenda Item Th 7a, April 14, 2005

California Coastal Commission, staff report, Agenda Item Th 11a, October 13, 2005

California Coastal Commission, July 26, 2006 staff report, Agenda Item Tu 8c, August 6, 2006

California Coastal Commission, November 1, 2007 staff report, Agenda Item W 16a, November 14, 2007;

Huntington Beach General Plan Coastal Element

Mejia v. City of Los Angeles (2005) 130 Cal. App. 4th 322.)

Larry Myers, Executive Director of the Native American Heritage Commission, letter to the California Coastal Commission, April 8, 2008

Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist, (2004) 116 Cal.App.4th 402;

Pocket Protectors, v. City of Sacramento (2004) 124 Cal. App. 4th 903:

South Coast Air Quality Management District web site note regarding URBEMIS 2007 model (version 9.2.4) http://www.aqmd.gov/ceqa/models.html

South Coast Air Quality Management District, Revised Final Staff Report for Proposed Amended Rule 403 and Proposed Rule 1186, Appendix F, Emissions Reductions Estimates, February 14, 1997

ATTACHMENT NO. 5.40

BRIAN M. FAGAN

RECEIVED
MAR 26 2010
Huntington Beach
PLANNING DEPT.

City of Huntington Beach Planning Commission March 23 2010

Attn: Jennifer Villasenor

2000 Main Street

Huntington Beach, CA 92648

Dear Planning Commissioners:

As a professional archaeologist and author of a major synthesis of California archaeology, I write to strongly oppose the granting of a Mitigated Negative Declaration (No. 08-016) for the Ridge Planned Unit Development. The applicants claim that the project will have "potentially significant impact on cultural resources [within the project area] unless mitigation is incorporated. " I strongly disagree.

Archaeological site CA-ORA-86 lies within the project boundary. According to the applicant, the site has been subjected to 33 different archaeological excavations that include everything from surveys to auguring and five excavation programs. Their consultants report that the site "has been modified in shape and size through time" and is often combined with CA-ORA-83, "The Cogged Stone Site" and CA-OR-144. Except for an apparently undisturbed structure, which was recorded and removed, they conclude that it is unlikely that significant deposits would come to light during construction. They propose as mitigation measures:

- The attendance of a professional archaeological monitor and Native American monitor during ground disturbing activities,
- If finds they are made, they specify specific outcomes,

170 HOT SPRINGS ROAD, SANTA BARBARA, CALIFORNIA 93108
(805)969-7339 (& FAX) BRIAN@BRIANFAGAN.COM

ATTACHMENT NO. 5.41

- In the event that human remains come to light, they specify the actions to be taken.

It should also be noted human remains were found during building construction grading monitoring for the Sandover development project. The Sandover project (1999) was built on portions of ORA 86: these discoveries are not mentioned in the peer review letter referred to below.

The applicants also state that archaeologists from the Bolsa Chica Peer Review Committee reviewed their May 2009 report. This review consists of a single page letter dated December 10, 2009 signed by three professional archaeologists, which states that they have reviewed the May 2009 report. They state that "data recovery has been completed in the only intact part of the site." As far as I can determine, the peer reviewers did not inspect the site in person.

The entire area covered by CA-ORA-86 and neighboring CA-ORA-83 represent virtually the last portions of an enormous series of archaeological sites, which have been destroyed by intensive residential development. They also represent some of the last surviving remnants of a chronicle of Native American culture, which extends back at least 9,000 years, something that the reviewers fail to mention in their letter, which appears to represent little more than a cursory sign-off on a report *where cultural resources will certainly be impacted, even if the site is much disturbed.* One has serious concerns and questions about the peer-review:

- Did the committee members visit the site during the excavations? How many times and when?
- Did they inspect the trench layout, the augur work, and other aspects of the fieldwork?
- Did they inspect the finds from the site in the laboratory? How many times and at what stage in the analysis?
- Were they consulted about the research design and strategies for survey and excavation?
- Did they inspect the surviving intact deposits as they were excavated as a basis for certifying along with the excavator that there are no undisturbed deposits left on the site? How many times and when?
- Have they been consulted about the final report on the excavations and its potential conclusions?

- On what basis were the peer reviewers appointed? Were they appointed by the applicant or by independent outsider?
- Above all, why are there no comments on the enormous significance of this site to California history?

I think it is imperative that these questions be answered before this peer review is taken as legitimately certifying that a Mitigated Negative Declaration is possible.

CA-ORA-86 was the center of human occupation in the area once neighboring CA-ORA—83 was used less intensively after 2,000 years ago. As such, it is an important, and irreplaceable, record of the closing stages of Native American occupation in this region. The peer review letter assumes that there is no further undisturbed occupation deposit in the site. So far, all that there is to support this statement is an "Archaeological Abstract." There is no comprehensive, final report on the investigations that allows dispassionate, independent assessment of the claim that there are no surviving undisturbed deposits at the site. In fact, the assertion that there are none is so confident that the peer reviewers state that no further mitigation measures other than grading monitoring are required. *Certainly the rather cursory mitigation measures recommended will not reduce the impact of construction work to an insignificant level.*

Whatever mitigation is undertaken, there will be impact on unique, irreplaceable archaeological resources. The area of the site under reference is one of the last surviving remnants of this major archaeological complex. If there is even a slight chance that there are human burials or undisturbed deposits still in place, they should either be thoroughly investigated or left intact. To offer a Negative Declaration for these archaeological deposits would be an inexcusable tragedy, especially in the absence of any final report on the archaeological investigations.

If the site is to be destroyed through development, the following minimal steps need to be taken in mitigation:

a. The completion of a comprehensive *final* report on the present excavations and finds, also all the investigations over the past three decades, which is made available both to professional archaeologists and to the general public through the South Central Coast Information Center,

b. COMPLETE, meticulous excavation of the entire archaeological deposits to be affected to record any undisturbed deposits and the finds therein. Testing should be done by remote sensing and core boring, combined with hand excavation. Auguring does not necessarily document undisturbed or disturbed deposit,
c. Completion of a comprehensive final report on these excavations, which record all details of the totally excavated and now destroyed site.
d. All reports and excavations to be subject to review by a peer review committee appointed by an independent body *not* by the applicant or other interested parties, perhaps the Society for Professional Archaeologists.

Sincerely,

BRIAN FAGAN

Emeritus Professor of Anthropology

University of California, Santa Barbara

ATTACHMENT NO. 5.44

Gerald L. Chapman
6742 Shire Circle
Huntington Beach, California 92648
714-842-3345

RECEIVED
APR 02 2010
Huntington Beach
PLANNING DEPT.

April 2, 2010

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

Re: Recirculated Draft Mitigated Negative Declaration for The Ridge No. 2008-016

Dear Ms. Villasenor:

I would like to thank you for the opportunity to comment on the Recirculated Draft Mitigated Negative Declaration for The Ridge project No. 2008-016. These comments are submitted on behalf of me and the Bolsa Chica Land Trust. I also request that my previous comments on this project's Draft Mitigated Negative Declaration be included in the public record for the Recirculated Draft Mitigated Negative Declaration.

CUTURAL RESOURCES

The archaeological report prepared by Scientific Resource Surveys Inc. in May 2009, reports that 33 separate archeological investigations were made on the Ridge property and that the results of those investigations show that it is not anticipated that significant deposits will be discovered during construction of the project. These same conclusions were previously made by SRS for the nearby Hearthside project and were found to be wrong as shown in documents presented by the Bolsa Chica Land Trust in the Draft Mitigated Negative Declaration process for this project. The 33 investigations have not to date been made available for public review during RDMND process. If the City is basing the RDMND on those investigations, it should have reviewed them and should make them available for public review during the process. The comment period for the RDMND should be extended until these investigations are made available and the public has had time to review them.

PEER REVIEW

Following section ***CR-2*** the RDMND states that "It should be noted that the May 2009 SRS report was reviewed by the archeologists from the Bolsa Chica Peer Review Committee. The peer reviewers confirmed that required mitigation would be limited to monitoring during grading and ground disturbing activities. The peer reviewers also concluded that mitigations measures requiring preservation or

ATTACHMENT NO. 5.46

additional data recovery are not necessary. Therefore, with the implementation of mitigation measures CR-1 and CR-2, potential impacts to cultural resources would be less than significant." The developer's past history of not following these same mitigations on the Hearthside project makes one question their value in protecting the cultural resources on this project.

In order for Peer Review to meet its objective of an unbiased review, it must be truly independent with no perception of a conflict of interest. This brings up many questions as to how independent the three reviewers on the committee are:

1. Who wrote the peer review committee letter? It appears to have been compiled from at least two separate letters as the fonts and the lines in the signature section of the letter do not match. (attachment)
2. Who put together the list of qualified peer reviewers? If it was done by the project's archeologist, it is not independent.
3. Who selected the peer reviewers? If it was the project's archeologist, it is not independent.
4. Were the peer reviewers paid? It they were, who paid them?
5. Have the peer reviewers ever worked for SRS?

These questions should be answered before the Bolsa Chica Peer Review Committee's letter can relied upon for approving the RDMND.

There is a "Fair Argument" that The Ridge development will cause significant negative impacts to the CULTURAL RESOURCES; therefore, CEQA requires an EIR to properly analyze the impacts and to provide mitigation to a less than significant level.

Sincerely,

Gerald L. Chapman

Attachment:
Bolsa Chica Peer Review Committee letter

ATTACHMENT NO. 5.46

ATTACHMENT

December 10, 2009

Dr. Nancy Anastasia Wiley
Scientific Resource Surveys, Inc.
2324 N. Batavia Street, Suite 109
Orange, CA 92865

Re: Status and Recommendations for CA-ORA-86, Bolsa Chica Area, Orange County

Dear Dr. Desautels,

I have reviewed "Archaeological Abstract: Archaeological Site CA-ORA-86: Herring"s Site E" prepared by Scientific Resource Surveys, Inc. (SRS) and dated May, 2009. The report demonstrates that CA-ORA-86 has been the subject of 33 archaeological investigations beginning in the 1920s. These investigations indicate that the site has been greatly disturbed and most of the remaining midden has been redeposited as a result of twentieth century agricultural activities (chisel plowing, ripping, terracing, and deposition of peat from the marsh). In addition, the northern part of the site has been destroyed by residential development. The most recent investigation by SRS in 2001 was especially comprehensive and consisted of surface survey, surface artifact and shell collection, a systematic auger program, a backhoe trenching program, and hand excavation. The results of this investigation showed that the only intact archaeological deposit in the site was located in the southeastern part of the site on the bluff edge. This area yielded a subsurface feature (an oval depression), a large quantity of unbroken shell, and artifacts. Data recovery was carried out to document the feature and recover the associated artifacts and ecofacts.

Now that data recovery has been completed in the only intact portion of the site and, given that the rest of the site is no longer intact, CA-ORA-86 has no more potential to yield data important in prehistory and, therefore, is not eligible for the California Register of Historical Resources under Criterion 4. Therefore, other than grading monitoring, mitigation measures that would require preservation or data recovery are not necessary.

I recommend that grading and other ground disturbing activities at CA-ORA-86 be monitored by archaeological and Native American monitors so that, although unlikely, any remaining intact deposits will be identified.

Sincerely,

Roger D. Mason, Ph.D., RPA
Archaeologist
Member, Bolsa Chica Peer Review Committee

Henry C. Koerper, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee

Paul G. Chace, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee

ATTACHMENT NO. 5.47

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APR 01 2010
Huntington Beach
PLANNING DEPT.

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Vice President
Julie Bixby
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Marinka Horack

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David Sullivan
Grace Winchell

ENDORSEMENTS

Amigos de Bolsa Chica
Algalita Marine Research Foundation
Anza Borrego Foundation
Ballona Wetlands Land Trust
City of Huntington Beach
Friends of Harbors, Beaches and Parks
Huntington Beach Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of Women Voters
Orange County Coastkeeper
Peninsula Open Space Trust
Sea and Sage Audubon
Sierra Club Angeles Chapter
Surfrider Foundation

March 31, 2010

Jennifer Villasenor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: RMND for The Ridge (NO.2008-016)

Dear Ms. Villasenor,

Thank you for the opportunity to comment upon the RECIRCULATED Mitigated Negative Declaration for The Ridge project (MND No. 2008-016) located on approximately 5 acres of property in the City of Huntington Beach, Orange County. These comments are submitted on behalf of the Bolsa Chica Land Trust.

In the RMND Cultural Resouces Section XIV the City states that according to a report submitted by SRS there have been over 33 separate archeological investigations on this site and as a result of the most recent survey "No other intact deposits of CA –ORA-86 were found on the project site."

The above statements are offered by the archaeological company SRS owned and operated by Nancy De Sautels also known as Anastasia Wiley. For over 20 years, Ms DeSautels(Wiley) has worked as the primary archaeologist on behalf of the landowner company (Signal Landmark, Henley Group, Bolsa Chica Company, and now called California Coastal Communities- Hearthside Homes).

SRS has consistently tried to diminish the significance of the archaeological sites at Bolsa Chica.

5200 Warner Avenue - Suite 108 - Huntington Beach, CA 92649 - (714) 846-1001
www.bolsachicalandtrust.org

ATTACHMENT NO. 5.48

Equally, the one page Peer Review letter of December 2009 clearly lacks serious consideration of the development impacts to the entire ORA 86 site.

1. As far back as 1983, Ms De Sautels was testifying before State Historic Resources Commission in opposition of an application for recognition of the Archaeological site ORA 83 for National Register. Ms. De Sautels statements have consistently supported development. (Exhibit A)

2. In 1992, the Susan Hori, Attorney for Hearthside Homes stated
In a letter dated July 27, 1992 from Susan Hori to Cindi Alvitre (Exhibit B)
"***As you know, other sites on Bolsa Chica Mesa have already been fully excavated and mitigated (ORA 289, ORA 78 and ORA 85). No human remains were found during the course of any of the excavations.*** All of the material which was recovered, i.e. shells, beads, etc are in the possession of the landowner or the archeological consultant."

3. April 14, 2005
Coastal Commission staff report: Revised Findings 10/13/2005 (Exhibit C)
Page 97 of revised findings
"The applicant contends that the Brightwater development project will not adversely impact either of the two on-site identified archeological sites due to the fact that a series of measures to mitigate the impacts of future development have been implemented ***completely in the case of ORA 85***, and at the time of the October 2004 hearing, ***97% complete in the case of ORA 83*** as approved by the County of Orange, and the Coastal Commission." (Emphasis supplied)

4. Page 101 of CCC Revised Findings of ORA 85 "***No evidence of ceremonial or other structures were found. Other than four quartz crystals, which may be evidence of ceremonial utensil manufacture, no obvious objects associated with religious ceremonies were recovered. Finally, no evidence of human remains in the form of burials or cremations was found.***" (Emphasis supplied)

5. Page 101 of CCC Revised Findings "According to the applicant's archeological consultant, ***the site was 97% recovered at the time of the application submittal for the October 2004 hearing.*** Based on staff observations in November of 2004 the site (ORA 83) appears to be virtually 100% recovered." (Emphasis supplied)

6. Page 98 from CCC Revised Findings for 5-05-020 (Brightwater)
"Although the Commission approved the full recovery of ORA 83 as proposed by the applicant in the previous permits listed below, the Commission finds no evidence in the record of those permits at the time of their approvals that the "semi subterranean house pits" were known or expected to exist, beneath the shell midden."
"In November 2004, Commission staff accompanied the applicant and their consulting team on the project site to revisit a number of issues that had been raised at the October 2004 Commission meeting. **At that time staff verified that the house pits had all been excavated and backfilled."**

In a November 2007, an internal memo (exhibit D) from the Nancy De Sautels to Ed Mountford et al disclosed that the following had been recovered at the Brightwater site.

- There are 87 human remains that need to be reburied
- There are 83 prehistoric features that were uncovered with the burials
- There are 4,217 artifacts that were found during grading monitoring on ORA 83
- There are 1,622 artifacts that were found during the grading monitoring ORA 85
- There are approximately 2,000 boxes of materials

- There are over 100,000 artifacts that have been collected.

This memo demonstrates the magnitude of the importance of Bolsa Chica archaeological sites. The information in the memo was not known to the Coastal Commission at that time.

In April 2008, as a result of the above reference memo the Bolsa Chica Land Trust filed a public records request from the Coroner of Orange County to determine how many reports to the Coroner(as required by law) of human remains had been made as a result of the archeological work at Brightwater. The request was for any and all findings from 1990 until present. The Land Trust was provided with records for only 6 cases since 1990 to present relative to ORA 83 and 85: (Exhibit E)

- 9/30/93 Case # 93-5868-LL reported 11/3/93
- 8/3/99 case # 99-05178me additional human remains found 11/29/99
- 11/4/99 Case # 99-07108-LL reported 11/5/99
- 3/30/00 Case # 00-02277-RO reported 4/4/00
- 4/27/00 Case # 00-02791-LY reported 4/27/00
- 6/12/02 Case # 02-03972-GA reported 6/14/02

Human remains uncovered in 2006 were not reported to Coroner. As stated in the Conditions set forth by the Coastal Commission as well as the same mitigation condition set forth by City Staff report, SRS is suppose to contact the Coroner and stop all work on site when remains are found. This did not happen.

Further, in a communication to Hearthside Homes from the California Coastal Commission dated December 15, 2008, referencing the Brightwater Special Condition 23 which dealt with Cultural resources (Exhibit F)
it states
"It has come to the Staff's attention that Hearthside Homes, in non compliance with Special Condition 23, failed to

1) **report discovery of cultural deposits in ORA 85 during archaeological and project grading in 2006**
2) **cease construction in accordance with Special Condition 23 subsection B and**
3) **Carry out significance testing as required by Special Condition 23 subsection C**

Please be advised that non compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act."

"The discovery of human remains within ORA 85 is a new discovery warranting of a Significance Testing Plan as required by Special Condition 23".

In a recent letter dated September 17, 2009, the California Coastal Commission once again request Hearthside to respond to non compliance of Condition 23 unpermitted development and sets up the following requirements (Exhibit G)

1. **"Detailed documentation and special laboratory analyses on all non sacred an non ceremonial items by November 17, 2009**
2. **Reburial of all materials recovered from this site in the off site designated reburial area with the previously interred human remains by December 1, 2009.**
3. **Incorporation of the data at CA ORA 85 and CA ORA 83 as required by County of Orange as part of the EIR process for this project by February 1, 2010.**

And in Staff report there is a letter from Coastal Commission dated October 14, 2009, (Attachment 4.2) commenting on the Ridge project before you. It states: (Exhibit H)

"The May 2009, Archaeological Report includes, according to MND/EA, discussion of the previous investigations of the archaeological site.
The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied the area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.
Should pre-historic human remains be discovered the Coastal Commission suggest that the option of "preservation in place should be an option available to the Most Likely Descendant."

It is clear from the documentation included with this letter that Hearthside Homes has consistently viewed the important archaeological sites at Bolsa Chica as insignificant. This perspective has led to the destruction of many prehistorical sites. Mitigation measures in prior permits from City, County and Coastal Commission related to archaeological resources at Bolsa Chica have not been ignored.

The Bolsa Chica Land Trust believes that there exits a fair argument that significant adverse environmental impacts will occur as a result of the proposed project and that an EIR is required.

Sincerely,

Flossie Horgan

Flossie Horgan
Executive Director

A-1 (EX) A

STATE OF CALIFORNIA—RESOURCES AGENCY
GEORGE DEUKMEJIAN, *Governor*

STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION
ST OFFICE BOX 2390
SACRAMENTO, CALIFORNIA 95811
(916) 445-8006

MINUTES OF THE STATE HISTORICAL RESOURCES COMMISSION

City Council Chambers
1825 Strand Way
Coronado, California

November 4, 1983

MAR 21 19
State Historical Resources Commission

COMMISSION MEMBERS PRESENT

Mr. Bruce D. Judd, Chair
Dr. James M. Cahill, Vice-Chair
Ms. Julia G. Costello
Dr. Ernestine S. Elster
Dr. Nadine I. Hata
Dr. Ted C. Hinckley

COMMISSION MEMBERS ABSENT

Ms. Sally Woodbridge

STAFF PRESENT

Dr. Knox Mellon, Executive Secretary
Mrs. Sandra J. Elder, Assistant Executive Secretary
Mr. Aaron A. Gallup, Staff Architectural Historian
Ms. Joan M. Cunningham, Recording Secretary

ALSO PRESENT

See Attachment "A"

CALL TO ORDER

Notice having been duly given, the regular meeting of the State Historical Resources Commission was called to order in the City Council Chambers, 1825 Strand Way, Coronado, California at 9:05 a.m.

Chair Judd introduced the Commission members and staff to the audience.

MINUTES 8/4/83 and 8/5/83

Dr. Hata moved to approve the minutes of the special meeting of August 4 and the regular meeting of August 5, 1983, of the State Historical Resources Commission. Ms. Costello seconded the motion. Motion carried unanimously.

ATTACHMENT NO. 5.52

NATIONAL REGISTER OF HISTORIC PLACES

APPLICATIONS RESUBMITTED
Rancho de Santa Teresa

The Commission considered the resubmission of the National Register application for Rancho de Santa Teresa, Santa Clara County. After some discussion Ms. Costello moved to recommend Rancho de Santa Teresa to the State Historic Preservation Officer for placement on the National Register of Historic Places at the local level of significance. Dr. Elster seconded and the motion was carried unanimously.

APPLICATIONS PENDING
CA-ORA-83

The Commission considered the application of CA-ORA-83, Cogstone Site, Orange County. There were people in attendance to speak both for and against the application. The first speakers were Pat Hammon, Jane Gothold and Laura Lee Mitchell of the Pacific Coast Archaeological Society speaking in favor of the application.

Speaking in opposition to the application was Glen Smith of the Metropolitan Water District. Also speaking in opposition was Robert Thornton and Dr. Nancy Desautels, together with Ray Belandos representing the Juanero Band of Mission Indians.

After considerable discussion Ms. Costello moved to recommend the CA-ORA-83, Cogstone Site, to the State Historic Preservation Officer for nomination to the National Register of Historic Places at the state level of significance. Dr. Elster seconded and the motion carried with 5 ayes and 1 nay.

MAR 27 1995
State Historical Resources Commission

Assistant Executive Secretary

ATTACHMENT NO. 553

A-2

NATIONAL REGISTER OF HISTORIC PLACES

APPLICATIONS RESUBMITTED
Rancho de Santa Teresa

The Commission considered the resubmission of the National Register application for Rancho de Santa Teresa, Santa Clara County. After some discussion Ms. Costello moved to recommend Rancho de Santa Teresa to the State Historic Preservation Officer for placement on the National Register of Historic Places at the local level of significance. Dr. Elster seconded and the motion was carried unanimously.

APPLICATIONS PENDING
CA-ORA-83

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MAR 27 1995
State Historical Resources Commission

Assistant Executive Secretary

ATTACHMENT NO. 5.54

PAONE
CALLAHAN
MCHOLM
& WINTON
LAWYERS

THOMAS P APLIN
ROBERT E CALLAHAN
JIM CHIBOUCAS
SUSAN K HORI*
RAYMOND KING
JOHN LEHR**

STEVEN A McHOLM
KATHLEEN CAROTHERS PAONE
TIM PAONE
DANIEL K WINTON
IRENE E ZIEBARTH

*ALSO ADMITTED IN DISTRICT OF COLUMBIA
**ALSO ADMITTED IN NEW YORK

July 27, 1992

Ms. Cindi M. Alvitre
Gabrielino Tribal Council
2462 Avocado
Riverside, California 92507

Re: **Bolsa Chica Archaeology**

Dear Cindi:

Following up on our recent telephone conversations, I have compiled some information for you regarding the Bolsa Chica archaeological sites. First, I am enclosing a copy of the most recent draft of the Reburial Agreement for your review. I hope that some of the changes which have been made address your concerns. The revised agreement provides for reburial on the Huntington Mesa on the Bolsa Chica property. It also clarifies the hold harmless provision. As we discussed, we wish to avoid the situation where we have arranged to rebury the artifacts and human bone fragments in accordance with your wishes, but then are faced with other Native Americans claiming to be the most likely descendants and who hold up resolution of these issues. In the event that occurs, the agreement asks that you and David Belardes resolve the issue of most likely descendants and appropriate representation among the tribal members and that the landowner not get involved in having to choose between one representative or another.

Second, I have enclosed maps of the site showing the location of the various archaeological sites. The site that is currently being excavated is ORA-83. As you know, other sites on Bolsa Chica Mesa have already been fully excavated and mitigated (ORA-289, ORA-78, and ORA-85). Raymond Belardes served as the Native American monitor on all of those excavations. No human remains were found during the course of any of the excavations. All of the material which was recovered, i.e., shells, beads, etc. are in the possession of the landowner or the archaeological consultant.

072292 / 5006 1

9100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX 714-955-9009
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

ATTACHMENT NO. 5.55

David Belardes or Phil Ibanez, we would like to meet with you and Mr. Belardes to finalize the agreement and discuss any other issues that you or he may have with respect to the excavations.

Very truly yours,

Susan K. Hori

Enclosures
cc: David Belardes (w/enclosures)
Nancy A. Whitney-Desautels, Ph.D. (w/reburial agreement)
Lucy Dunn (w/reburial agreement)
Darlene A. Shelley (w/reburial agreement)

ATTACHMENT NO. 5.56

EX C-1

I. CULTURAL RESOURCES

Section 30244 of the Coastal Act protects cultural resources in the coastal zone and states:

> *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Coastal Act Section 30244 states that reasonable mitigation measures shall be required where development would adversely impact identified archaeological resources. The applicant contends that the Brightwater development project will not adversely impact either of the two on-site identified archaeological sites due to the fact that a series of measures to mitigate the impacts of future development have been implemented completely in the case of ORA-85, and at the time of the October 2004 hearing, 97% complete in the case of ORA-83 [12] as approved by the County of Orange, and the Coastal Commission. The coastal development permits and other actions that have been taken by the Coastal Commission for ORA-83 and ORA-85 are reviewed below. Despite the fact that approvals were obtained from the County and the Commission for complete recovery of cultural resources, as proposed by the applicant, and archaeological testing and recovery work has been on-going since the mid-1980's, under these permits, there still remains considerable opposition to removal of the cultural resources of ORA-83.

During the preparation of the staff report for the October 2004 hearing, Commission staff received several letters from archaeologists, including university professors, and several letters from environmental groups, Native Americans, and individuals calling for the preservation of ORA-83, even though they are aware that a full recovery program for the site has long since been approved. Staff received a copy of a 1999 letter from the head of the archaeology division of the Smithsonian National Museum of Natural History supporting the preservation of what remains at ORA-83 and a 2001 letter from Congresswoman Loretta Sanchez supporting the listing of ORA-83 in the Federal Register as a National Historic Site. Some request that the site be capped and left as open space after the data has been recovered, instead of allowing residential development at the site of an identified prehistoric and historic cultural resource. While others suggest that further destruction of ORA-83 be avoided, relocation of proposed development away from ORA-83. Yet others assert that recent mechanical excavations at ORA-83 have revealed the presence of numerous semi-subterranean house pit features at the base of the site, beneath the midden deposit and contend that this feature represents a new, significant area of needed research. Although the Commission approved the full recovery of ORA-83 as proposed by the applicant in the previous permits listed below, the Commission finds no evidence in the record of those permits at the time of their approvals that the "semi-subterranean house pits" were known or expected to exist, beneath the shell midden.

---

[12] "Archaeological Site CA-ORA-83: The Cogged Stone Site, Synopsis: A History of Archaeological Investigations, Nancy Anastasia Desautels, PhD, Scientific Resources Surveys, Inc., Project No. 926, April 28, 2003.. "Archaeological Site CA-ORA-85: The Eberhart Site, Synopsis: A History of Archaeological Investigations, Nancy Anastasia Desautels, PhD, Scientific Resources Surveys, Inc., Project No. 926, September 2003.

ATTACHMENT NO. 5.57

elevations, and no benches, or public trails within the observation area. Exhibit 32 includes a map of additional area to be considered.

The Native American Heritage Commission sent a letter to the Commission during its October 2004 deliberations requesting that that the Brightwater project includes interpretive signage along the Mesa detailing the area's prehistoric and historic history. Finally, the above letters also request signage concerning the Native American past of the site as well as dissemination of the wealth of knowledge that has been gained over the two decades of study at the site and curation of the appropriate portions of the artifacts recovered from the site. Only as conditioned to place appropriate interpretive signage along the public trail informing the public of the cultural resources of the area, to disseminate the series of required final reports to institutions and interested groups, to curate the artifacts recovered from the site in a facility in Orange County meeting established standards, and to have an archaeologist and Native American monitor present when grading operations commence to ensure that if any additional cultural resources are found there are procedures in place to go about determining the significance of the resources and to ensure that work can procedure without adversely impacting archaeological or paleontological resources.

Description and Status of ORA-83

ORA-83 is 11.8 acres in size and is located at the southeastern bluff edge of the Brightwater. ORA-83 is commonly known as the Cogged Stone Site, and consists of a shell midden. Cogged Stones are unusual artifacts that are manufactured and used in ceremonial practices. More Cogged Stones, over 400 or roughly half of the total found, have been found on ORA-83 than any other site and are thought to have been distributed throughout coastal and near-coastal California. Similar stones have also been found on the coast of northern Chile. It is also believed that the Cogged Stone site served as a ceremonial center and a center for the manufacture of the Cogged Stones. ORA-83 has been twice found by the State Historical Resources Commission to be eligible for listing in the National Register of Historic Places. However, the listing has been declined by the property owner.

According to the applicant's archaeological consultant, the site was 97% recovered at the time of the application submittal for the October 2004 hearing. Based on staff observations in November 2004 the site appears to be virtually 100% recovered

Description and Status of ORA-85

ORA-85, the Eberhart Site is described by Dr. Desautels of Scientific Resource Surveys, Inc. (SRS), as a shell midden located on the western edge of the Bolsa Chica Mesa. Knowledge of the Eberhart site has existed since the 1920's. Based on the numerous investigations of the site carried out by other researchers beginning in the mid-1960's and by SRS beginning in the 1980's, the Eberhart site was determined to be a residential base or village and was not a limited special-purpose shellfish gather and processing station. No evidence of ceremonial or other structures were found. Other than four quartz crystals, which may be evidence of ceremonial utensil manufacture, no obvious objects associated with religious ceremonies were recovered. Finally, no evidence of human remains in the

Exhibit C-3

The July 10, 2003 brief update statement by the applicant's archaeological consultant, signed by the three current peer reviewers stated that, "The Peer Review Committee members, over the last several years, have overseen the nature of the ongoing phases of the Ora-83 site investigation and had made recommendations on strategies appropriate to address the unusual breadth of the emergent field discoveries." The update further states that the "special new topics" evolving at Ora-83 include, "describing and evaluating the patterns of the multitude of semi-subterranean 'house pit' features revealed." Professor Pat Martz, a past member of the California State Historical Resources Commission states in revisions to her 2001 nomination of ORA-83 for listing on the National Register of Historic Places to the State Historic Preservation Officer, that house pit structural features are rarely found in Southern California and are extremely rare since the site was occupied during the Early Holocene/Millingstone Horizon of California prehistory. Semi-subterranean house pits are large circular depressions that were excavated below the surface a few feet and framed with poles and then thatched. Under normal climatic conditions (not consistently dry, or consistently wet) organic materials would not preserve. It is likely that the house pit structures would have a hard packed floor, post-holes and a hearth. Professor Martz contends that these house pit features are probably still present at the base of the site and that these semi-subterranean house pits have the potential to address important questions regarding village structure, social organization, settlement patterns, gender activities, and demographics, as well as relationship of the structures to astronomical features.

In November 2004 Commission staff accompanied the applicant and their consulting team on the project site to revisit a number of issues that had been raised at the October 2004 Commission meeting. At that time staff verified that the house pits had all been excavated and backfilled.

Archaeologists have recognized the astronomical significance of numerous archaeological sites in Southern California for more than 25 years and celestial observations have been conducted at several archaeological sites. Recently, among both scientists and Native Americans, there has been a growing interest in studying ORA-83 to determine if the site was a key location in the complex spiritual/philosophical system of knowledge regarding the Cosmos held by prehistoric Native Americans. Beginning in 1994, a Cogged Stone Site study team, made up of scientists and Native Americans, has tested its astronomical research design for ORA-83 several times. The According to Dr. Martz, the team proposed that the view from the elevated mesa encompasses geographic features that ethnographic data suggest may have functioned as cyclical astronomical alignments such as Catalina Island to the southwest and Point Fermin Heights to the west. The team discovered that the sun sets over West End Point of Santa Catalina Island for three days in late December, signaling the winter solstice, and that it rises directly over the Point Fermin Heights to indicate the spring and fall equinoxes. The Commission has found no evidence in the record of the previous permits that the approved mitigation measures were for impacts to archaeoastronomical resources.

A Native American from the Band of Luiseno Mission Indians, representing the Maritime Shoshone, Inc, a not-for-profit Native corporation, has sought to preserve a 7.4 acre portion of ORA-83 for its archaoeastronomical value. In Ms. Jeffredo-Warden's May 2004

ATTACHMENT NO. 5.59

D

2007

November 5th: Memo

To: Ed Mountford, Hearthside Homes
David Belardes, Juaneno Band
Anthony Morales, Gabrielino Band
Prof. Paul Langenwalter

CC: Jeff Couch
Tracy Stropes

This memo is to inform you that Ed Mountford has requested that only himself and the two most likely descendants attend the meeting on Tuesday the 6th. I will, therefore, not be attending. In accordance with a request from all three of you, I am submitting a tentative listing of concerns that should be resolved at this meeting.

1. Status of SRS Archaeological Work:
   a. *There are 87 human bone concentrations that need to be reburied*
      –83 are completely removed from stretcher pedestals and pod
      –4 remain to be removed from pods- completion expected mid-December
      –Prof. Langenwalter cannot complete his studies until the last 4 are done
      –Prof. Langenwalter will need 4-6 weeks to complete his work when the last four are done- completion expected mid-February
      –Coroner must see all 87 burials; last 4 must be completed for Coroner and examined by Langenwalter prior to Coroner's visit
      –All 87 will be laid out at once for Coroner, in all three bone trailers
   b. *There are 83 prehistoric features that were uncovered with the burials*
      –All 83 features have not been processed yet—
      some have artifacts, some do not.
      –These include 4 cogged stones features
   c. *There are 4217+/- artifacts that were found during the grading monitoring on Ora-83*
      –Only the artifacts directly associated with the burials are in the processing of being processed and prepared for reburial.
      –These include cogged stones, discoidals, charmstones and beads
   d. *There are 1622+/- artifacts that were found during the grading monitoring on Ora-85*
      -- Only the artifacts directly associated with the have been processed and reburied.
      –Artifacts to be processed include discoidals, charmstones and beads
   e. *There are approximately 2,000 boxes of materials* [including soils samples, rock features, shell features, shell samples and animal bone] from all 30 years of excavations on Bolsa Chica Mesa in a trailer on-site.
      –These have not been culled for distribution to the County of Orange or for reburial since there has not been any electricity in this trailer.
   f. *There are over 100,000 artifacts* [including debitage and other smaller items] that have been collected for the last 30 years on Bolsa Chica Mesa.
      –These have not been fully catalogued or fully analyzed.
      –Some were collected before computers were in common use and the information is not in the site database.
      –Some still have field numbers from surface collections, etc.
      –Includes cogged stones, discoidals, charmstones and beads.

ATTACHMENT NO. 5.60

9/30/93

I.D. Work @ Scene _____ @ Post _____
Crim @ Scene _____ @ Post _____
Number Of Polaroid(s) Submitted _____ By _____
G.S.R. # _____ Location Taken At _____ By _____
Physical Evidence Taken - By _____
Other Evidence _____
Disposition _____
Blood & Tox. Taken _____ Disposition _____
Fingerprints Taken _____ By _____
Identified By _____

NEXT OF KIN

Name _____ Relationship _____
Address _____
_____ Phone _____
Name _____ Relationship _____
Address _____
_____ Phone _____
Notified By _____ Date _____ Time _____
☐ Billing Party _____
Address _____

WITNESS/INFORMANTS

Name NANCY DESAUTELS Phone 898-7877
Address SCIENTIFIC RESOURCE SURVEYS INC.
Name _____ Phone _____

PROPERTY ☐ YES ☒ NO

Disposition: ☐ NOK ☐ Mortuary ☐ FSC Safe
☐ Other _____
_____ Relationship _____

P.A.

Date Reported _____ P.A./Investigator _____
P.A. Custody Of Property: ☐ Yes ☐ No

REPORTS

Dictated _____ Signed _____

GENERAL COMMENTS & NOTES

OUT TO SITE + MAKE A DETERMINATION.

A.T.C. JUDY SUCHEY : NO ANS.

10/8/93 0900 - CONTACTED JUDY SUCHEY. - SHE WILL CONTACT DESAUTELS + GO TO SITE + REPORT BACK. (LL)

NATIVE AMERICAN COMMISSION
Notified @ 0945 11-3-93
Spoke c̄ Debbie Treadway
STAFF SERVICE ANA lyst
916-653-4083
Dud Kies
Fd Cal Ora 83 H-26-FH-27
Native
898-7877
Grading is complete
cleaning Tree stumps
located Fragments

F0680-58.7 (R04/92)

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE, CALIFORNIA
INVESTIGATOR'S CASE NOTES

Case No. 93-5868-LL ☐ Dictate
Investigator LYLE Reviewed By (LL)
Billing: ☐ YES ☒ NO

CLASSIFICATION

☐ Natural - A ☐ Homicide ☐ Accident ☐ Officer Involved
☒ Natural - NA ☐ Suicide ☐ SIDS ☐ In Custody
☐ Natural - Dual ☐ Traffic ☐ Undetermined ☐ Refer to PA
☐ Consult Donor: ☐ Approached ☐ Declined ☐ Cornea ☐ Other

Decedent's Name BONES, HUMAN
AKA: _____
Address _____
City _____
Telephone _____ Age _____ DOB _____
Sex _____ Race _____ Ht _____ Wt _____ Hair _____ Eyes _____
☐ Married ☐ Divorced ☐ Never Married ☐ Widowed ☐ Children
Clothing _____
Occupation _____ S.S. # _____
Date Of Death _____ Time _____ Day _____
Place Of Death COGGED STONE SITE : CA ORA-83
BCLSA + WARNER, H.B.
Hospital: ☐ IP ☐ ER/OP ☐ DOA
Pronounced By _____
Call Received From NANCY DESAUTELS Time 0925
Date 9/30/93 10-8 _____ 10-97 _____ 10-98 _____
Place Received FSC
FSC _____ Mortuary _____
Requested By _____ Relationship _____
Trans. Called _____ Trans. Arrived _____
Autopsy: ☐ No ☐ Coroner ☐ Private ☐ Tox ☐ Cultures ☐ SO-ID
MD Cause of Death _____
Per MD _____ Lic No: _____
Investigator _____ Date _____

ATTACHMENT NO. 5.61

93-1

CASE NOTES

PAGE # _____ CASE # 93-

DATE & TIME

8/15/94 Call from Anthropolgist David Kice. He is informing us that more bones were fd on a continuous site. He contacted NIHC. & they told him to call us to keep us updated.

In Sept 93. several bones were fd in Bolsa Chica Mesa, (An unincorporated area of HB.) so of Warner. Dr. J. Suchey responded to scene & determined bones to be Indian. Since that date the site has been continually excavated by a company called SRS & For. Anthro. David Kice. Per D. Kice - Cor. office has been notified 3 times since the original notification.

David Kice - 310 395 5143
SRS 714-898-7877

1440 Per Larry Meyers - NIHC
He told D. Kice to reinform us of new find in same site because he has noticed problems w/ notification in the past. There is no need for us to do anything.

Larry is going to look up our case # & call back.
Be

1500 Larry can't find case #. It was site 83.

5868

TSS 26

ATTACHMENT NO. ~~562~~ 93-2

CASE NOTES

PAGE # _____ CASE # 93-2

DATE & TIME

8/15/94 Call from Anthropologist David Kice. He is informing us that more bones were fd on A continuous site. He contacted NIHC & they told him to call us to keep us updated.

In Sept 93. several bnes were fd in Bolsa Chica Mesa, (An unincorporated area of HB.) So of WARNER. Dr. J. Sinclair responded to scene & determined bnes to be Indian. Since that date the site has been continually excavated by A company called SRS & For. Anthro. David Kice. Per D. Kice - Cor. office has been Notified 3 times since the original Notification.

David Kice - 310 395 5143

SRS 714-898-7877

1440 Per Larry Meyers - NIHC

He told D. Kice to reinform us of New find in same site because he has Noticed problems w/ Notificatn in the past. There is No need for us to do anything.

Larry is going to look up our case #1 & call back.

Be

1500 Larry can't find case #1. It was site 83.

5868

E

93-2

FSS 26

ATTACHMENT NO. 5.63

93-3

Judy Myers Suchey, Ph.D.
FORENSIC ANTHROPOLOGIST
CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

J M Suchey 10-9-93

October 9, 1993

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
FULLERTON, CA 92634

PHONE 714 524-1265
FAX 714 524 5150
BEEPER 714 295 0591

Examination of teeth and maxillary fragment from AC-1, Unit - 103

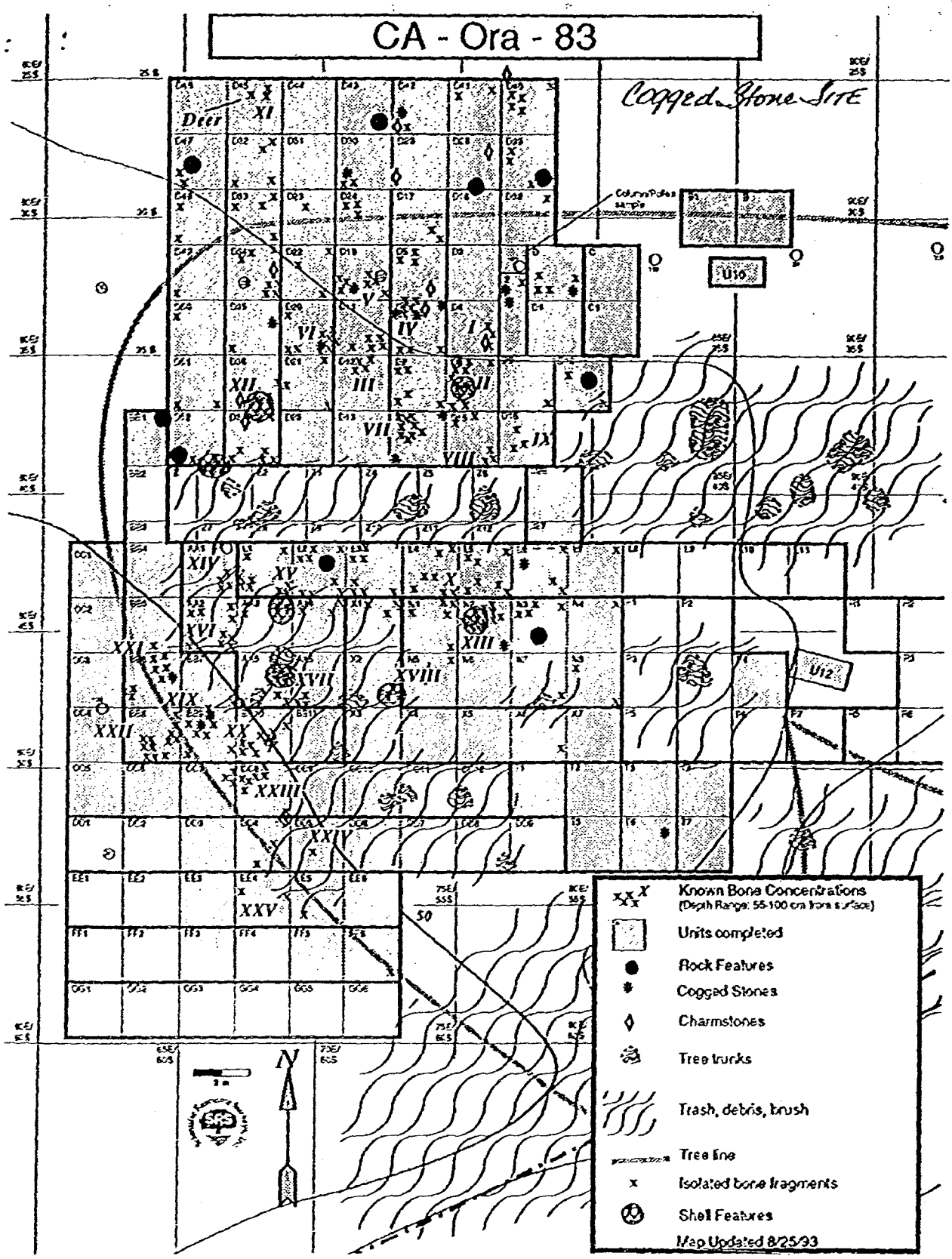
On October 8, 1993, I went to the office of the Chambers Group, Inc., having been called by Phillip de Barros on 10-4-93 regarding additional bone evidence at AC-1. On 10-4-93 additional adult human bone and dental evidence was found several cms lower than the tooth discussed in my report dated October 3, 1993. Six new fragmentary teeth and a maxillary fragment (weighing 9.3 gm) were found. These remains are human and appear to consist of a single individual (the previously discovered tooth included in this same individual). The teeth appear to be a maxillary canine and three incisors; identification is difficult due to the extreme attrition. The other two teeth appear to be two fragmentary premolars. All are heavily worn and the maxilla is highly mineralized; the material appears to be ancient Native American. The Native American Heritage Commission needs to be notified regarding this additional material.

Slides were taken to document these remains.

Amer. Heritage - 916-653-4082
Fax - 657-5390

E
93-3

ATTACHMENT NO. 5.64



E

ATTACHMENT NO. 5.65

93-4

Judy Myers Suchey, Ph.D.
FORENSIC ANTHROPOLOGIST
CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

J M Suchey 10-9-93

9-9

October 9, 1993

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
FULLERTON, CA 92634

PHONE 714 524-1265
FAX 714 524 5150
BEEPER 714 795 0591

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Slides were taken to document these remains.

AMER. HERITAGE - 916-653-4082
FAX - 657-5390

ATTACHMENT NO. 5.66

THE JUANENO BAND OF MISSION INDIANS
ACJACHEMEN NATION

Chairperson: David Belardes
Vice-Chairperson: Jean Frietze
Member at Large: Alfonso Ollivares
Treasurer: Adeline Williams

February 25, 1994

Judy Myers Suchey, Ph.D.
Professor, Dept. of Anthropolgy
California State University
Fullerton, Ca 92634

RE: OUR ANCESTORS REMAINS FROM CA-ORA 83 and 423

Dear Judy,

Because of the recent press coverage and the lack of sensitivity surrounding our ancestors remains found at Bolsa Chica and Aliso Creek, I request that no further comments, maps or locations be revealed to the media, government officials, and or any other persons other than what the law requires.

I request that no photographs be taken of our ancestors and that any photographs previously taken be returned to the tribe. Also, it would only be appropriate that any reports written regarding our ancestors remains be submitted to the tribe first.

I have been in contact with Mr. Bisner, Mr. Lyles, and Ms. Gayle McNully regarding the possibility of having a workshop so that all parties will be clear of the policies and laws surrounding Native American remains.

In closing, I would hope you would consider using compassion when dealing with the "remains" of our great grandparents, mothers, fathers, sisters and brothers. Their spirits touch us deeply!

Sincerely,

David Belardes

David Belardes, Chairperson
Enclosure
cc. Tim Bisner
Bruce Lyles
Gayle McNully

Juaneno Band of Mission Indians, Acjachemen Nation - 31742 Via Belardes - San Juan Capistrano, CA 92675

E

ATTACHMENT NO. 5.67

93-5

NO. 337140

RECEIPT
COUNTY OF ORANGE
SHERIFF-CORONER DEPARTMENT

$ 100.00

ON 2/8/94 Eileen
CAME IN FOR 2 MAPS.
(1) CA-ORA-83
(2) CA-ORA-365

OK PER S.B.

Received of: BAKER & BURTON (EILEEN MURPHY) Date 1-31-94

Address: 215 LONG BEACH BLVD STE 301 City LONG BEACH 90802

For: CASE # 93-05868-LL & 91-05251-LL
NOTES
CASE CARDS, OCSD REPORT, 5 REPORTS FROM Dr SUCHEY

Paid By: Cash _____ Check No. 1156 By T. [illegible]

F0680 113.1

ATTACHMENT NO. 5.68

93-6

NO. 337140

RECEIPT
COUNTY OF ORANGE
SHERIFF-CORONER DEPARTMENT

$ 100.00

ON 2/8/94 Eileen
CAME IN FOR 2 MAPS.
(1) CA-ORA-83
(2) CA-ORA-365

OK PER S.B.

Received of: BAKER & BURTON (EILEEN MURPHY) Date 1-31-94

Address: 215 LONG BEACH BLVD STE 301 City LONG BEACH 90802

For: CASE # 93-05868-LL & 91-05251-LL
NOTES
CASE CARDS, OCSD REPORT, 5 REPORTS FROM Dr SUCHEY

Paid By: Cash _____ Check No. 1156 By T. [illegible]

F0680 113.1

93-6

ATTACHMENT NO. 5.69

3-6

PAONE
CALLAHAN
MCHOLM
& WINTON
LAWYERS

ROBERT E. CALLAHAN
RICHARD J. FOSTER
ROGER A. GRABLE
SUSAN K. HORI*
KENNETH D. JOHNSON
ALAN J. KESSEL
JOHN LEHR**
STEVEN A. MCHOLM
KATHLEEN CARROTHERS PAONE
TOM PAONE
MARCIA SCULLY
DANIEL K. WINTON

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
** ALSO ADMITTED IN NEW YORK

HAND DELIVERED

Per JB → File

February 9, 1994

James Beisner
Chief Deputy
Orange County Sheriff-Coroner Department
1071 W. Santa Ana Blvd.
Santa Ana, CA 92703

Re: Case No. 93-5868-LL; Bolsa Chica

Dear Mr. Beisner:

During my meeting with Bruce Lyle of your office on Monday, he reviewed with me Judy Suchey's report on her site visit to Bolsa Chica. Noted as an attachment to her report was a map of the ORA-83 site. The map appeared to be quite detailed showing the general location of the excavation area with detailed annotations as to the nature of material found at the site, such as cogstones and charmstones. I believe that the map was prepared by the archaeologist and was provided to Dr. Suchey by either the archaeologist, Dr. Desautels, or a member of her staff; however, I do not think they anticipated that it would be attached to Dr. Suchey's report or included in the public file on this case.

It is my understanding that you have authorized the release of this map to Pat Ware. Ms. Ware has previously released Dr. Suchey's report to the newspapers and I do not doubt that she may also release copies of this map to members of the press, archaeological organizations and homeowner groups with whom she is working. Ms. Ware and members of her organization also announced at a televised public hearing in Huntington Beach that other members of the public could go to the coroner's office to obtain copies of Dr. Suchey's report (and map).

While there is no way to retrieve this map from Pat Ware after it has been distributed to her, I would like to request on behalf of my client, The Koll Company, the archeological consultant, and the Native American representatives with who I am working with on this matter, that in the event any other requests for copies of the material are made, that copies of the map not be provided. We understand that Dr. Suchey's report is a matter of public record, but we believe that in order to protect the site from archaeological vandalism and sightseers, maps showing the

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

C

ATTACHMENT NO. 5.10

PAONE
CALLAHAN
McHOLM
& WINTON
LAWYERS

ROBERT E. CALLAHAN
RICHARD J. FOSTER
ROGER A. GRABLE
SUSAN K. HORI*
KENNETH O. JOHNSON
ALAN J. KESSEL
JOHN LEHR**
STEVEN A. McHOLM
KATHLEEN CAPOTHERS PAONE
TIM PAONE
MARCIA SCULLY
DANIEL K. WINTON

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
** ALSO ADMITTED IN NEW YORK

February 14, 1994

VIA FAX

Judy Myers Suchey, Ph.D.
Department of Anthropology
California State University
Fullerton, CA 92634

Re: Bolsa Chica

Dear Dr. Suchey:

Thank you for sending me your response to my letter. I appreciate you taking the time to review the articles and questions that I raised. During the last several days, one other item of information was presented to me regarding the release of your report to the newspapers. I know that you have stated that you did not send it to the press, and I believe you.

I have spent the last several days in discussions with the Coroner's office, however, regarding the release of the map that was attached to your report. I was particularly disturbed by the release of the map because, as you know, the location of archaeological sites is normally kept confidential to discourage site vandalism and destruction. The last thing I want to see is a map to and of ORA-83 published in the newspapers or shown on Huntington Beach public television. As a professional in your field, I am sure that you understand and share with me the sensitivity of this information.

I have been informed that the map was released because you requested the Coroner's office to release your report to Pat Ware. Absent your request, the map would not have been released so easily. I would like to know why you requested this information be disclosed to Ms. Ware. Did she make any representations to you regarding her need for this information? Given the fact that you spoke to her and discussed with her the existence of this report, why did you choose to give Ms. Ware the information, and were you made aware of her intentions to "go public" with your report? Given the sensitivity of archaeological sites, did it not occur to you to ask Ms. Ware what she intended to do with your report -- and more importantly -- what she intended to do with the map?

While I respect your request to be left out of any future discussions on this issue, you must understand that your decision to request the Coroner's office to release the report to Ms. Ware

02134/19733.1

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

E

ATTACHMENT NO. 5.71 93-8

Scene | At Autopsy

). Work _____ I.D. Case # _____

im _____

umber of Polaroid(s) Submitted _____ By _____

ysical Evidence _____

_____ GSR Kit # _____

sposition/Taken by _____

ood & Tox. Taken No Disposition _____

ngerprints Taken NO By _____

entified By J. Suchey as Native American Human

NEXT OF KIN MINOR CHILD ☐

me _____ Relationship _____

dress _____

_____ Zip Code: _____

s. Phone _____ Bus.Phone _____

me _____ Relationship _____

dress _____

_____ Zip Code: _____

s. Phone _____ Bus.Phone _____

tified By _____ Date _____ Time _____

Billing Party _____

dress _____

L LARSON + WITNESS/INFORMANTS

me LISA WOODWARD Phone _____

dress MONITORS AT SITE

me _____ Phone _____

dress _____

me _____ Phone _____

dress _____

PROPERTY ☐YES ■NO

position: ☐NOK ☐Mortuary ☐FSC Safe ☐OCSD Property

ther _____

_____ Relationship _____

P.A.

e Reported _____ P.A. Investigator _____

☐ SUICIDE ☐ HOMICIDE

_____ ACCIDENT _____

☐ TRAFFIC ☐ INDUSTRIAL ☐ OTHER

Type _____

Place _____

_____ Zip Code: _____

Date _____ Time _____

Weapon _____

Ser. No. _____ Dispo _____ ☐ No Wants

Registered Owner _____

Suicide Note ☐ Yes ☐ No Dispo _____

Type of Vehicle _____ License _____

Reg. Owner _____

Tow Company _____ Phone _____

Decedent: Driver _____ Psg'r _____ Pedestrian _____

Restraints ☐ Yes ☐ No ☐ Unk Helmet(s) ☐ Yes ☐ No ☐ Unk

Deployed Air Bag ☐ Yes ☐ No Ejected ☐ Yes ☐ No

Travel Direction _____ on _____

Position in Vehicle _____

Other Vehicle _____ License _____

Travel Direction _____ on _____

Number of Persons in Decedent's Vehicle _____ Other Vehicle _____

REPORT DATE

Police Agency _____ Time PD Called _____

Officer _____ File No. _____

Investigator _____ Charges ☐ Yes ☐ No

NOTIFICATIONS

☐ CAR Record ☐ Yes ☐ No

☐ CDC ☐ DA ☐ Sids ☐ OSHA ☐ State Lic ☐ NTSB Name: _____

Name	Dept	Date	Time

COUNTY OF ORANGE, CALIFORNIA

INVESTIGATOR'S CASE NOTES

Case No. 99-05178 ME ~~99-05158 HO~~ ☐ Dictate

Investigator MEADER Reviewed By _____ 8/11/99

Billing: ☐ YES ■ NO

CLASSIFICATION

☐ Natural - A ☐ Homicide ☐ Accident ☐ Officer Involved

■ Natural - NA ☐ Suicide ☐ SIDS ☐ In Custody

☐ Natural - Dual ☐ Traffic ☐ Undetermined ☐ Refer to PA

☐ Consult Donor: ☐ Approached ☐ Declined ☐ Cornea ☐ Other

Decedent's Name BONES, Human/Native America

☐ AKA _____

☐ Tentative I.D. _____

Address _____

City _____ Zip Code: _____

Telephone _____ Age _____ DOB _____

Sex _____ Race _____ Ht _____ Wt _____ Hair _____ Eyes _____

☐ Married ☐ Divorced ☐ Never Married ☐ Widowed ☐ Children

Occupation [Before Retirement] _____

_____ SS# _____

Date of Death FD 08/03/99 Time 1130 Day Tues.

Place of Death FD Construction site @ S/W corner of Bolsa Chica St. + Los Patos Ave, Hunt Beach

Hospital ☐ ER/OP ☐ IP ☐ DOA ☐ Convalescent Hosp ☐ Board & Care

Pronounced By _____

Reporting Party Robert Beer - Scientific Resources Time 1345

Date 8/3/99 10-8 - 10-97 — 10-98 _____

Placed Received FSC

Mortuary _____ Phone _____

Requested By _____ Relationship _____

Transport by _____ Time Called _____

Autopsy: ■ No ☐ Coroner ☐ Private ☐ Tox ☐ Cultures ☐ SO-ID

MD Cause of Death _____

_____

Per MD _____ Lic No: _____

Investigator _____ Date _____

8/99-1

Exhibit E

ATTACHMENT NO. 5.72

8/99-1

PAGE # 11 CASE NOTES 8/99 - Z E CASE # 99-05178MI

DATE & TIME	
8.3.99 1625 RD	CI called for Robert Beer - Karen Williams, Admin. Ast. to Beer told me Beer had already gone for the day. At 1700 HOURS the bones w/ surrounding dirt will be moved to a secured shed. NO one will have access to the shed after 1700 HOURS. D/T the drive / traffic time I explained I could not be at the location in 30 minutes Williams directed that the Coroners Office call Lisa Woodward - Archaeologist at 909-323-9340 she will be on site 8.4.99 at 0730-0745 HOURS. Bones = (1) Skull (1) Tooth
1950 8/3/99	Judy Suchey called - she was in the San Bernardino mountains and her cell could not get out. I saw the cross by her and she will call Lisa Woodward in the morning - Dr. Suchy has an early morning appointment and will be in around noon. to pick up a copy of the Work card, etc. (RA)
8-3-99 0738	CALL FROM J. SUCHEY SHE IS TRYING TO REACH LISA WOODWARD + UPON REACHING HER WILL RES, ND TO SCENE + CALL US FROM THERE. RA

ATTACHMENT NO. 2 8/99 5.7

CASE NOTES 8/99-3 C

PAGE # _____ CASE # 99-05178ME 99-

DATE & TIME

8/10/99 I received a call from J. Suchey Forensic
1400 Anthropologist regarding this case. She was reporting that SRS had reburried the bones. She said this violated the previous agreement by SRS to hold the bones in their lab. I asked if the Native American Heritage had been consulted & Suchey said she did not know. Her concern was that the bones were re-interred w/ out the coroners permission. She will send a memo to FSC w/ her concerns. (MW)

550 Call to Gail McNolte at Native American Heritage. She was aware of the reinterment & it was done with her knowledge. They have no concerns. (MW)

8/99-3

ATTACHMENT NO. 5.74

8/99-4

Judy Myers Suchey, Ph.D.
FORENSIC ANTHROPOLOGIST
CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

J M Suchey E

August 5, 1999

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
P.O. BOX 6846
FULLERTON, CA 92834-6846

PHONES 714-524-1265
714-773-3706
FAX 714-524-5150
BEEPER 714-295-0591

In situ examination of skeletal remains at construction site (Orange County Coroner Case 99-05178ME)

On August 4, I went to the construction site at the intersection of Bolsa Chica and Los Patos in Huntington Beach. At this location skeletal fragments were found underneath a Native American artifact in bulldozed area where the construction of condominiums is planned. The archaeological company involved in the mitigation is SRS (Scientific Resource Surveys). This location is near the former archaeological site CA-Ora-83 where I did an in situ examination of remains on October 12, 1993. I do not have a Coroner's case number in my file for that visitation but I have a one page report with attachments.

At the site on August 4 I talked with Lisa Woodward (of SRS) 909-323-9340 who explained to me the situation surrounding the skeletal fragments. I identified them as human (based on the left orbit--largely zygomatic and incisor tooth); prehistoric (based on severe dental attrition on the tooth, coloration and mineralization of bone). The remains are extremely fragmentary--consisting of only one tooth and multiple small fragments of cranium. The remains are consistent with being from a single individual. Woodward told me that Robert Beer (President of the company 909-767-2555) had already phoned the Native American Heritage Commission with a tentative diagnosis.

I indicated that the Orange County Coroner would be making official notification. David Belardes (Native American) was at the site at the time of my visit. I instructed Lisa Woodward to call the Orange County Coroner again if additional human remains are found in the area. The construction is over so it is not likely that there will be additional finds. The plan was to remove the area surrounding the remains and keep them in the lab of SRS. The remains would be held until the construction had been totally finalized and then the remains could be reburied.

If the Coroner has further instructions, Lisa Woodward can be notified. If new calls come in regarding remains I suggest that the investigator (Meader) speak with me on the phone and we can make suggestions as to the best manner to handle the situation. The nearby site Ora-83 was a highly controversial site where multiple burials of great antiquity became the subject of a dramatic controversy between environmentalists and developers. To avoid a re-play of this drama, the Coroner needs to keep track of the number of burials being found at this location. Hopefully, the one observed on August 4 will be the only one.

Photographs were taken to document the evidence.
FURTHER ACTION NEEDED:
Native American Heritage Commission should be notified by Inv. Meader or other Coroner personnel.

8/99-4

ATTACHMENT NO. 5.75

ORANGE COUNTY SHERIFF-CORONER
JURISDICTIONAL INQUIRY REPORT

E 11/99 -1

11-99-1

NAME OF DECEASED (LAST, FIRST MIDDLE) **BONES, Human (Ancient)**			AKA	CASE NUMBER **99-07108-LL**
INVESTIGATOR Bruce E. Lyle	REPORTED BY Nancy Desautels		REPORTING AGENCY Scientific Resources Surveys	REFERENCE NUMBER None
CALL DATE AND TIME 11/04/1999 17:20	DISPATCH DATE AND TIME 11/05/1999 12:00		ARRIVAL DATE AND TIME 11/05/1999 12:31	RETURN DATE AND TIME 11/05/1999
DATE AND TIME OF DEATH 11/03/1999 10:30 Found	DATE OF BIRTH	AGE	GENDER Not Applicable	RACE Not Applicable
RESIDENCE (STREET, CITY, STATE, ZIP)	UNINCOPORATED AREA ☐		COUNTY Orange	TELEPHONE NO.
MARITAL STATUS	SOCIAL SECURITY NUMBER	DRIVER'S LICENSE NO. AND STATE	OCCUPATION	EMPLOYER

LOCATION OF DEATH ORA 83/Huntington Beach			AT RESIDENCE ☐
ADDRESS (STREET, CITY, STATE, ZIP) 17201 Bolsa Chica Road, Huntington Beach, CA 92647	UNINCOPORATED AREA ☐	COUNTY Orange	
☑ FOUND BY ☐ PRONOUNCED BY Scientific Resources Surveys	AGENCY Archeologist	DATE AND TIME	

LOCATION OF INCIDENT ORA 83/Huntington Beach			AT WORK ☐
ADDRESS (STREET, CITY, STATE, ZIP) 17201 Bolsa Chica Road, Huntington Beach, CA 92647	UNINCOPORATED AREA ☐	COUNTY Orange	
INVESTIGATING AGENCY Orange County Coroner's Office	REFERENCE NUMBER 99-07108	OFFICERS Coroner Investigator D. Ralsten	

CIRCUMSTANCES OF DEATH

Probable Native American remains found at development site.

NAME OF PERSON NOTIFIED Native American Heritage Com.		RELATIONSHIP State Agency
ADDRESS (STREET, CITY, STATE, ZIP)		TELEPHONE NO. (916) 653-4082
NOTIFIED BY Investigator Ralsten	METHOD Phone	DATE AND TIME 11/05/1999 16:48
LEGAL NEXT OF KIN		RELATIONSHIP
ADDRESS (STREET, CITY, STATE, ZIP)		TELEPHONE NO.
IDENTIFIED BY Judy Suchey, PhD	METHOD Anthropology	DATE AND TIME 11/05/1999

11/99 -1
ATTACHMENT NO. 5.7

CASE NOTES

Case Number: 99-07108

DECEDENT NAME: BONES, Human

DATE OF DEATH: 11/03/1999

Date	Time	Initials	Comments
11/5/99	0940	LY	Spoke to Nancy Desautels at the site and she will not be there the remainder of the day. She also stated no one will be at the site until Mon. 11/8, d/t they work M-F, 10 hours shifts. I left another message on Judy Suchey's answering machine to this fact. LY
11/5/99	11:00	LY	BE informed me that Judy Suchey would be responding to the FSC and accompanying RA to the site of the dig. RA & Judy left for HB at approx 1145 hrs..LY RA
11-5-99	1633	Ra	At the direction of CDC Berndt, I and Dr. J Suchey went out to 17201 Bolsa Chica Ave. leaving at 1200 hours and arriving at 1231 hours. We spoke to Robert Beer Scientific Resource Surveys, Inc 909)767-2555. He showed us the bone specimens and directed us out to site where an additional bone was in-situ. There were 3 bones along with a few fragment out and anoither one exposed in side wall of trench. The bone in trench wall has about 2" exposed and is about 1 ½ '- 2' down from surface. Although surrounded by browner dirt it extends into redish dirt which, R. Beer said is pre ice age. Trench was about 50 yards long about 3' wide and about 5' deep. Dr. Suchey examined the bones and determined them to be ancient (RA) R. Beer said he thought this find was not with in the boundies of ORA83 but was not sure of it. Also there were no other artifacts or tools found with the bones or in the immediate area. The normal process of digging is scooping aout 15 cm at a time. The trench was dug as a geologic survey for soil conditions. The bones were found on Wednesday(11-3-99) at unknown time. The bones were first found by an archeologist and a native american monitor at the same time. The loose bones were collected from the loose dirt next to the trench. He was unaware of who the native american monitors were. The "nearest decendent" for this site is David Belardes. The area over the find has been used as agriculture land for some 75 +/- years. (RA) I spoke to Edward Mountford with Hearthside Homes Inc. 949)250-7700. He said the area is planed to be single family homes eventualy. He said that although he did not try to call the coroners office his staff member Lucy Dunn (spelling?) called the Sheriff's office yesterday "AM" (11-4-99) to report the find, A message was left for the Sheriff to call back. After a couple hours a second call was put into the Sheriff re: the bones R/P was unaware of what transpired from then (RA) I spoke to Nancy Whitney-Desautels Scientific Resource Surveys (909)767-2555, she said the find was with in ORA83. The bones were found in the loose fill dirt about noon by native american monitor Matt Doame and SRS employee Bill Larson. SRS will now perform an excavation of area for recovery of existing bone. I instructed her that if there are any more bones found that they should call the Coroners office not the Sheriff. She seemed to understand this (RA) The three loose bones and fragments were released to Robert Beer for transfere to the Native American Heritage (RA)
11-5-99	1648	Ra	I called the Native American Heriatge and left a message on voice mail of "Gloria" (916)653-4082 informing her of the find and of our determination of "ancient" (RA)

11/99-1

11/99-2

ATTACHMENT NO. 5.77

CASE NOTES

PAGE #_____

CASE # 99-05178-R

DATE & TIME	
11-22-99	
1145	REC. CALL FROM NANCY DESANTELS 909-767-2555 AT THE BOLSA CHICA SITE ORA-83. SIMILAR BONES AS PREVIOUS HAVE BEEN DISCOVERED. THEY ARE STILL IN GROUND AND WILL NOT BE MOVED UNTIL AFTER THE HOLIDAYS, 11-29-99. PAUL LANGERWALTERS WILL BE ONSCENE IN A COUPLE OF HOURS TO EXAMINE. (ES)
1150	ADVISED BE OF CIRCS, REQUESED JUDY SUCHEY BE ADVISED OF CIRCS. (ES)
1215	PAGED DR. SUCHEY (ES)
1320	REC. CALL FROM DR. SUCHEY, I ADVISED HER OF CIRCS: SHE STATED THAT PAUL LANGERWALTERS IS QUALIFIED TO MAKE DETERMINATION IF ANCIENT OR MODERN. PAUL DID LOOK AT PREVIOUS BONES. JUDY SUGGESTED THAT PAUL CALL ~~SUCHEY~~ (ES) HER WITH REPORT OR CALL FSC WITH FINDINGS. (ES)
11-23-99	
1350	REC. CALL FROM PAUL LANGERWALTERS WHO EXAMINED BONES AT SITE ORA-83 TODAY. PAUL STATED THAT REMAINS THAT HE CAN ID ARE PREHISTORIC THERE APPEARS TO BE A TIBIA SHAFT, TWO FEMORAL AND A 4TH BONE THAT IS PARTIALLY EXPOSED AND APPEARS TO BE A FIBULA. HE STATES THAT THIS IS SOMETHING THAT SHOULDN'T INTEREST US. PAUL ALSO STATED THAT SEVERAL REPRESENTATIVES FROM AMERICAN HERITAGE WERE PRESENT THIS AM DURING HIS EXAM. BONES WILL BE LEFT IN GROUND UNTIL AFTER HOLIDAYS. (ES)

11/99-3

11/99

ATTACHMENT NO. 5-78

ORANGE COUNTY SHERIFF-CORONER

3/30/00-1 E

CORONER DIVISION **INVESTIGATIVE WORKSHEET**

Report Date: 4/14/2008

NAME OF DECEASED (LAST, FIRST MIDDLE)	CALL DATE AND TIME		MANNER	CASE NUMBER
BONES, Human - ancient indian	04/04/2000 12:30		Jurisdictional Inq.	**00-02277-RO**
CORONER INVESTIGATOR	REPORTED BY		REPORTING AGENCY	REFERENCE NUMBER
Richard L. Rodriguez	Dr. Paul Langenwalter		Archeologist for SRS Const.	
LOCATION OF DEATH FND ☑ ER/OP ☐ IP ☐	ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE ☐			PHONE
Construction site	ORA #83 at Bolsa Chica Mesa, Irvine, California			
DATE AND TIME OF DEATH	DATE OF BIRTH	AGE	GENDER	RACE
03/30/2000 0:00 Found			Unknown	Not Applicable
NAME AKA:	RESIDENCE (STREET, CITY, STATE, ZIP)			RESIDENCE PHONE
MARITAL STATUS	SOCIAL SECURITY NUMBER		OCCUPATION / EMPLOYER	
☑ FOUND BY ☐ PRONOUNCED BY	AGENCY/RELATIONSHIP		PROPERTY COLLECTED? ☐	PA CASE ☐
SRS				
IDENTIFIED BY	METHOD		DATE AND TIME	DL STATE / NUMBER
Dr. Suchey	Anthropology		04/07/2000 15:15	
LOCATION OF INCIDENT AT WORK ☐	ADDRESS (STREET, CITY, STATE, ZIP)			COUNTY
				Orange
INJURY DESCRIPTION			INJURY DATE/TIME	
INVESTIGATING/LAW ENFORCEMENT AGENCY	REFERENCE NUMBER		OFFICER	
MORTUARY	CORONER AUTOPSY?		BODY EXAMINATION DATE/TIME	RELEASE DATE AND TIME
	No			
ATTENDING PHYSICIAN	ATTENDING PHYSICIAN ADDRESS			ATTENDING PHYSICIAN PHONE
PHOTOS TAKEN?	ADMITTED FROM			ADMITTED FROM DATE/TIME
No				

HEIGHT	WEIGHT	EYE COLOR	GLASSES	COMPLEXION	TEETH
HAIR COLOR	**HAIR TYPE**	**HAIR LENGTH**	**FACIAL HAIR**	**ENVIRON. TEMP.**	**CALOR**

LIVIDITY	RIGOR
SCARS	MARKS
TATTOOS	CLOTHING

SUMMARY

The Coroner's Office was notified of possible human remains discovered at a construction site. Dr. Suchey, Forensic Anthropologist, responded to the site with Deputy Coroner Rodriguez and determined the remains were of non forensic value and consistent with ancient human remains. The bones were released to the Native American Heritage Commission.

3/30/00 -1

01-1

ATTACHMENT NO. 5.79

ORANGE COUNTY SHERIFF
CORONER DIVISION

FOLLOW-UP NOTES

Case Number: 00-02277 - RO

DECEDENT NAME: BONES, Human

DATE OF DEATH: 03/30/2000

Date, Time And Initials On All Entries

respond any time Thursday with a deputy coroner if necessary. (MA)

FOLLOW UP REQUEST & ACTIONS TAKEN:

Contact Dr. Langenwalter and advise him to stop the dig and notify us if he recognizes the bones are human. A deputy coroner and Dr. Suchey will respond if human and handle per established policy. 04/04/00 1730 (MA)

4/7/00 @ 1000

I attempted to contact Paul Langenwalter per Assistant Chief's directive. I left a voice message requesting he contact this division with an update on the remains. (TO 4/7/00 @ 1005)

4/7/00 @ 12196

I received a call back from Paul Langenwalter who said that he has determined that the remains discovered on 3/30/00 were indeed human. Wednesday 4/5/00 crews excavated and exposed a skull, limb bone, a jaw with teeth and a left foot. There were prehistoric artifacts uncovered along with the remains which included an abrading stone. The wear on the teeth were consistent with prehistoric specimens. It was determined that the remains were prehistoric Native American remains. The Native American Commission was advised and has had representatives on sight the past few days. The remains were in the process of being further exposed. There is no building construction ongoing. The excavation at this point is purely of an archeological nature. He anticipates that the excavation will conclude this afternoon along with the removal of the remains by the Native American Council members. Dr. Judy Suchey has been made aware of the situation. (TO 4/7/00 @ 1245)

4/7/00 @ 1300

I spoke to Dr. Judy Suchey via her cell phone and requested she respond with one of our Deputies to the excavation site. She agreed but said that she would meet the responding Deputy at FSC and proceed with them to the site. (TO 4/7/00 2 1305)

4/13/00 @ About 0830

I received a telephone call from Gayle of the Native American Heritage Commission inquiring into the status of site ORA#83. I told her that Dr. Suchey and a Deputy from our division went out to the site last week and confirmed that the remains were of no Forensic Value. She seemed upset and asked why she was not notified of the findings. I told her that Paul Langenwalter relayed to me during my conversation with him on 4/7/00 that Native American Commission representatives were at the site during the excavation and were aware of the findings. (TO 4/13/00 @ 0950)

4/13/00 @ 0955

Per MA's direction, I called Paul Langenwalter to get the names of the individuals he notified and were present from the Native American Commission. Paul's daughter answered and said that Mr. Langenwalter was not available at the time and would not be in until sometime this afternoon. I left a message for Mr. Langenwalter to contact FSC and ask for the Watch Commander. (TO 4/13/00 @ 0955)

4/13/00 @ 1055

I received a call back from Paul Langenwalter who said that he had contacted and was dealing with the following "tribal" representatives: Joyce Perry, David Bollardy, Nation Ponva representative Gabriel Alenia, and the onsite representative was Robert Dorme. I asked specifically if he had contacted the Native American Heritage Commission and he said he had spoken only to those individuals listed above. He knows nothing about the Native American Heritage Commission. (TO 4/13/00 @ 1100)

CASE DEPUTY ACTIONS:

On 04/07/00 Deputy Rodriguez responded to the scene with Dr. Suchey. Dr. Suchey examined the remains and confirmed they were of no forensic value and consistent with ancient human. (MA)

04/07/00 @ 1355

I received instructions from Assistant Chief R. MacAnally to assist and escort Dr. Judy Suchey, Forensic Anthropologist to a site know as Bolsa Chica Mesa, where skeletal remains had been unearthed during construction. Prior information had been received in the coroner's office on 03-30-00 of this find that the remains were of possible Native American Indian. A case number was assigned, however, the case had not been assigned an investigator, pending the examination of Dr. Suchey. This area has been given a site area

ATTACHMENT NO. 01-3 S.80

ORANGE COUNTY SHERIFF
CORONER DIVISION

E

FOLLOW-UP NOTES

Case Number: 00-02277 - RO

3/30/00 - 2

DECEDENT NAME: BONES, Human

DATE OF DEATH: 03/30/2000

Date, Time And Initials On All Entries

respond any time Thursday with a deputy coroner if necessary. (MA)

FOLLOW UP REQUEST & ACTIONS TAKEN:

Contact Dr. Langenwalter and advise him to stop the dig and notify us if he recognizes the bones are human. A deputy coroner and Dr. Suchey will respond if human and handle per established policy. 04/04/00 1730 (MA)

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4/13/00 @ 0955

Per MA's direction, I called Paul Langenwalter to get the names of the individuals he notified and were present from the Native American Commission. Paul's daughter answered and said that Mr. Langenwalter was not available at the time and would not be in until sometime this afternoon. I left a message for Mr. Langenwalter to contact FSC and ask for the Watch Commander. (TO 4/13/00 @ 0955)

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CASE DEPUTY ACTIONS:

On 04/07/00 Deputy Rodriguez responded to the scene with Dr. Suchey. Dr. Suchey examined the remains and confirmed they were of no forensic value and consistent with ancient human. (MA)

04/07/00 @ 1355

I received instructions from Assistant Chief R. MacAnally to assist and escort Dr. Judy Suchey, Forensic Anthropologist to a site know as Bolsa Chica Mesa, where skeletal remains had been unearthed during construction. Prior information had been received in the coroner's office on 03-30-00 of this find that the remains were of possible Native American Indian. A case number was assigned, however, the case had not been assigned an investigator, pending the examination of Dr. Suchey. This area has been given a site area

3/30/00 - 2

00-3

ATTACHMENT NO. 5.81

ORANGE COUNTY SHERIFF-CORONER

E 4/27/2000 - 1

CORONER DIVISION

INVESTIGATIVE WORKSHEET

Report Date: 4/14/2008

NAME OF DECEASED (LAST, FIRST MIDDLE)	CALL DATE AND TIME	MANNER	CASE NUMBER
BONES, Human - ancient indian	04/27/2000 20:35	Jurisdictional Inq.	**00-02791-LY**
CORONER INVESTIGATOR	REPORTED BY	REPORTING AGENCY	REFERENCE NUMBER
Joseph D. Luckey			
LOCATION OF DEATH FND ☐ ER/OP ☐ IP ☐	ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE ☐		PHONE
ORA#83	Bolsa Chica Ecological Reserve, , California		
DATE AND TIME OF DEATH	DATE OF BIRTH / AGE	GENDER	RACE
04/27/2000 14:00 Found		Unknown	Not Applicable
NAME AKA:	RESIDENCE (STREET, CITY, STATE, ZIP)		RESIDENCE PHONE
MARITAL STATUS	SOCIAL SECURITY NUMBER	OCCUPATION / EMPLOYER	
☐ FOUND BY ☐ PRONOUNCED BY	AGENCY/RELATIONSHIP	PROPERTY COLLECTED? ☐	PA CASE ☐
IDENTIFIED BY	METHOD	DATE AND TIME	DL STATE / NUMBER
LOCATION OF INCIDENT AT WORK ☐	ADDRESS (STREET, CITY, STATE, ZIP)		COUNTY: Orange
INJURY DESCRIPTION		INJURY DATE/TIME	
INVESTIGATING/LAW ENFORCEMENT AGENCY	REFERENCE NUMBER	OFFICER	
MORTUARY	CORONER AUTOPSY? No	BODY EXAMINATION DATE/TIME	RELEASE DATE AND TIME
ATTENDING PHYSICIAN	ATTENDING PHYSICIAN ADDRESS		ATTENDING PHYSICIAN PHONE
PHOTOS TAKEN? No	ADMITTED FROM		ADMITTED FROM DATE/TIME

HEIGHT	WEIGHT	EYE COLOR	GLASSES	COMPLEXION	TEETH
HAIR COLOR	**HAIR TYPE**	**HAIR LENGTH**	**FACIAL HAIR**	**ENVIRON. TEMP.**	**CALOR**

LIVIDITY	RIGOR
SCARS	MARKS
TATTOOS	CLOTHING

SUMMARY

Received a call reporting the discovery of ancient human bones at the ORA#83 site. Case number issued.

4/27/00 -1

ATTACHMENT NO. 4/27/00 1 5.82

ORANGE COUNTY SHERIFF – CORONER DEPARTMENT

FAX COVER SHEET

TO: Flossie Horgan PHONE: FAX: 714 536-7262

ORGANIZATION Bolsa Chica Land Trust

FROM: Le'Lonnie PHONE: (714) 647-7400 FAX: (714) 647-6122

DATE: 02/21/08 NUMBER OF PAGES (+COVER) 7

CORONER CASE/NAME: Several Indian or ancient bones 04565

CLASSIFICATION OF DEATH: 02 0.3972-6A

ITEM(S) FAXED: TOX___ MICRO___ VOD ___ NEURO___

NEUROMICRO___CI ___ SUMMARY X

NOTES: _____

WARNING/CONFIDENTIAL

This facsimile transmission constitutes a confidential communication intended **only** for the addressee indicated above. Please notify us as soon as possible at the telephone number shown above of any error in transmission. Thank you for your cooperation.

ATTACHMENT NO. 02-5 583

ORANGE COUNTY SHERIFF
CORONER DIVISION

FOLLOW-UP NOTES E

Case Number: 00-02791 - LY

4/27/2000-2

DECEDENT NAME: Bone, Bone

DATE OF DEATH: 04/27/2000

Date, Time And Initials On All Entries

4/28/00 @ 1225
I attempted to contact Scientific Resource Surveys (SRS) at 909 767-2555 but only got an answering machine. I left a voice message requesting a call back on accessibility to the remains. (TO 4/28/00 @ 1230)

4/28/00 @ 1315
I received a telephone call from William Larson (562 697-9976) who informed me that the remains were currently locked in an office onsite at ORA#83. The site had been closed down after the find last evening and would not be reopened until 5/1/00 at 0700 hours. I told him that we wanted to have our Forensic Anthropologist and a Deputy Coroner respond to the site on Monday 5/1/00 and exam the find.

He indicated that the find consisted of a femur/long bone. The site where the remains were found appears to have more remains just below the location where the long bone was found. (TO 4/28/00 @ 1315)

Awaiting a call from Dr. Judy Suchey concerning availability to view the site and the find. Ask her if she would be available to go to the site on Monday 5/1/00 morning. (TO 4/28/00 @ 1330)

4/28/00 @ 1550
I received a call back from Dr. Suchey who indicated that she would be able to respond to the site 5/1/00 @ 1100 hours. She said that she would come to FSC and drive to the site with the assigned Deputy Coroner. (TO 4/28/00 @ 1555)

5/1/00 @ 1130 hrs – Dr. Suchey and I drove to site ORA#83 and arrived at 1200 hrs. We spoke with Mathew Dorame and Joyce Perry and they told us the bones were uncovered on 4/27/00 at 1430 hrs by Chuck Burnette (field tech). The bones were found near the site where, previously, other bones had been located. Dr. Suchey took several pictures and examined the bones and deemed them to be of no forensic value. (5/6/00 @ 1055 hrs HO)

5/17/00 @1605 hrs. A call was received from Paul Langenwalter reporting a discovery at 14:30 at ORA#83 of A femur shaft and long bone fragments approx. 5-7 meters from the discovery on 4/27/00 at this site. Information of this find was documented on the ancient discovery log in public records. LY

On 5/18/00 @ 0840 hours I spoke with Cathy at the Native American Heritage Commission and notified her of yesterday's find. (TO 5/18/00 @ 0840)
CASE DEPUTY ACTIONS: Entry made on the **DESIGNATED ARCHEOLOGICAL SITES** log, 5/10/00 1809 LY.
NOTIFICATIONS (WHO NOTIFIED, DATE & TIME): MA 4/27/00 2050 hrs.

4/27/00-2

ATTACHMENT NO. 5.8

THE GABRIELINO TONGVA INDIANS
OF CALIFORNIA TRIBAL COUNCIL
MATHEW DORAME
TRIBAL SECRETARY
5450 SLAUSON AVENUE SUITE 151
CULVER CITY, CALIFORNIA 90230
PHONE: 714-879-4456 FAX: 562-920-9449

4/21/00-5

ATTACHMENT NO. 5.85

6/13/02-1 E

ORANGE COUNTY SHERIFF-CORONER

MICHAEL S. CARONA, SHERIFF- CORONER

JURISDICTIONAL INQUIRY REPORT

Report Date: 08/08/2002

NAME OF DECEASED (LAST, FIRST MIDDLE)	CALL DATE AND TIME		TYPE	CASE NUMBER
Bones , Human Ancient	06/13/2002 16:30		Jurisdictional Inq.	**02-03972-GA**
CORONER INVESTIGATOR	REPORTED BY		REPORTING AGENCY	REFERENCE NUMBER
Alex C. Gassler	Paul Langenwalter		Scientific Resource Surveyor	
LOCATION OF DEATH	ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE ☐			COUNTY
Dig site	17201 Bolsa Chica Road, Huntington Beach, CA 92649			Orange
DATE AND TIME OF DEATH	DATE OF BIRTH	AGE	GENDER	RACE
06/12/2002 12:30 Found			Unknown	Not Applicable
RESIDENCE (STREET, CITY, STATE, ZIP)			COUNTY	SOCIAL SECURITY NUMBER
N/A, , CA			Orange	
MARITAL STATUS	LEGAL NEXT OF KIN			TELEPHONE NO.
ADDRESS (STREET, CITY, STATE, ZIP)			OCCUPATION	
NOTIFIED BY			METHOD	DATE AND TIME
☐ FOUND BY ☑ PRONOUNCED BY	AGENCY/RELATIONSHIP			PA CASE ☐
IDENTIFIED BY	METHOD		DATE AND TIME	
Paul Langenwalter	Anthropology		06/12/2002 12:30	
ATTENDING PHYSICIAN	ATTENDING PHYSICIAN ADDRESS /PHONE			
MORTUARY	RELEASE DATE		TIME	

CIRCUMSTANCES OF INQUIRY

These are founds bones at a known OC archeological dig site found in close proximity to other previous finds.

6/13/02 -1

02-1

ATTACHMENT NO. 5 86

ORANGE COUNTY SHERIFF
CORONER DIVISION

CASE NOTES

Case Number: 02-03972 - GA

DECEDENT NAME: Bones , Human Ancient

DATE OF DEATH: 06/12/2002

Date, Time And Initials On All Entries

STATEMENTS: (NAMES, DATES & TIMES):
6-13-02 @ 1625 hrs. Per P. Langenwalter. At est 1230 hrs today at dig site #ORA-83, during grading, the crew came across some ancient human bone remains. They consist 2 skull fragments and 3 individual bone features (long bones) and 2 probable with bone features. Today in the late morning and early afternoon 2 more bone fragments were found as well. This is a new area at an old excavation site that is currently being graded; no grid coordinates have been assigned. This new area is known to have human remains; previous remains have been found in this area and are preserved in the same manner as the previous remains have been found. The bones found today and yesterday were found an est 10-30 meters from the old known dig site. There is not a problem if Dep Burch wants to come out and evaluate the site. Her contact person is Kevin Hunt. 6-13-02 @ 1700 hrs (GA)

On 06/14/02 at 0730 hours I contacted Paul Langenwalter of Scientific Research Surveys. Per Langenwalter, the human bones were found at ORA-83, in an area currently being graded. At this point seven different bone isolates have been identified. One of the isolates includes a skull that had been sheared and exposed in the grading process. The other isolates contain fragments of large and small human limb bones. Each area has been flagged off and will be excavated using conventional archaeological techniques. Two of the isolates were discovered yesterday, and Langenwalter has not yet had a chance to examine them. Per Langenwalter, all the material is consistent with ancient human remains, and the monitors from the Most Likely Descendants have examined the material *in situ*. I arranged to meet Langenwalter at the site at approximately 0830 hours this morning. (06/14/02 07:43 BU)

PA STATEMENTS: (NAMES, DATES & TIMES):
FOLLOW UP REQUEST & ACTIONS TAKEN:
On 06/14/02 at 2320 hours I contacted the Native American Heritage Commission and left a message for Rob Wood on the answering machine; I notified him I had responded to the site and had not found anything of modern forensic significance. (06/14/02 23:24 BU)

CASE DEPUTY ACTIONS:
6-13-02 Case number was issued and Dep BU will respond to dig site location 6-14-02 in am hrs. (GA)
6-13-02 @ 2200 hrs. Native American Heritage Commission was contacted, left voice mail with Gloria. (GA)

NOTIFICATIONS (WHO NOTIFIED, DATE & TIME):

6/13/02-2

ORANGE COUNTY SHERIFF
CORONER DIVISION

CASE NOTES

Case Number: 02-03972 - GA

DECEDENT NAME: Bones , Human Ancient

DATE OF DEATH: 06/12/2002

Date, Time And Initials On All Entries

STATEMENTS: (NAMES, DATES & TIMES):
6-13-02 @ 1625 hrs. Per P. Langenwalter. At est 1230 hrs today at dig site #ORA-83, during grading, the crew came across some ancient human bone remains. They consist 2 skull fragments and 3 individual bone features (long bones) and 2 probable with bone features. Today in the late morning and early afternoon 2 more bone fragments were found as well. This is a new area at an old excavation site that is currently being graded; no grid coordinates have been assigned. This new area is known to have human remains; previous remains have been found in this area and are preserved in the same manner as the previous remains have been found. The bones found today and yesterday were found an est 10-30 meters from the old known dig site. There is not a problem if Dep Burch wants to come out and evaluate the site. Her contact person is Kevin Hunt. 6-13-02 @ 1700 hrs (GA)

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6-13-02 Case number was issued and Dep BU will respond to dig site location 6-14-02 in am hrs. (GA)
6-13-02 @ 2200 hrs. Native American Heritage Commission was contacted, left voice mail with Gloria. (GA)

NOTIFICATIONS (WHO NOTIFIED, DATE & TIME):

6/13/02-2

02-3
ATTACHMENT NO. 5.88

Revised hearing 11/08

F

STATE OF CALIFORNIA - THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT VIA CERTIFIED MAIL

December 15, 2008

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, California 92614

Violation File Number:	V-5-08-032
Property Location:	17201 Bolsa Chica Road, Huntington Beach; Orange County APN 110-016-36, 39
Unpermitted Development:	Failure to notify the Commission, cease construction, and carry out significance testing upon discovery of a cultural deposit during project grading in non-compliance with Special Condition No. 23 of CDP No. 5-05-020

Dear Mr. Mountford:

As you know, the California Coastal Commission ("Commission") is the state agency created by and charged with administering the Coastal Act[1]. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect archaeological and paleontological resources. In order to provide for the protection of any significant cultural deposits discovered during project grading at the subject site and allow for a complete consideration of mitigation options by the Commission to protect those deposits, in approving Coastal Development Permit 5-05-020, which authorized Hearthside Homes ("Hearthside") to construct the "Brightwater" development, the Commission imposed Special Condition 23. Special Condition 23 requires that if cultural deposits are encountered during Brightwater grading that work stop to allow the Executive Director to determine if the discovery is significant, and thus, warranting of a modification to the archaeological mitigation program.

In relevant part to this alleged violation, Special Condition 23 states [bold italics added for emphasis]:

23. PROTECTION OF POTENTIAL ARCHAEOLOGICAL RESOURCES DURING GRADING

12/08-1

[1] The Coastal Act is in the Public Resources Code beginning at section 30000.

ATTACHMENT NO. 5.89

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring and mitigation plan, prepared by a qualified professional, that shall incorporate the following measures and procedures:

1...

2...

3. ***If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, the permittee shall carry out significance testing of said deposits*** and, if cultural deposits are found by the Executive Director to be significant pursuant to subsection C of this condition and any other relevant provisions, additional investigation and mitigation in accordance with all subsections of this special condition;

4. ***If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, all construction shall cease in accordance with subsection B. of this special condition;***

5. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition;

6. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring and mitigation plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.

7...

B. ***If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that have any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease*** and shall not recommence except as provided in subsection D and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50-foot wide buffer around the cultural deposit; and 2) no more than the residential enclave area within which the discovery is made.

C. ***An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director.*** The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed. Once a plan is deemed adequate, the Executive Director will make a determination regarding the significance of the cultural deposits discovered…

Hearthside's grading monitoring plan, which was approved by staff on December 12, 2005, incorporated the requirements of Special Condition 23. Moreover, the grading monitoring plan, as submitted to staff by Hearthside and approved by staff to satisfy the terms of Special Condition 23, instituted procedures to protect cultural deposits during archaeological grading. That the terms of the grading monitoring plan regulated archaeological grading is reflected in a letter from your representative, Susan Hori, dated September 5, 2008, which states: "Because the Coastal Commission required Hearthside to prepare and implement an Archaeological Monitoring and Mitigation Plan, Hearthside conducted an unprecedented level of archaeological mitigation, additional artifacts and human bone concentrations were recovered and were treated in accordance with the procedures set forth in the Commission-approved archaeological monitoring and mitigation plan."

One required procedure set forth in the grading monitoring plan is the preparation of a Significance Testing Plan upon discovery of new cultural deposits during grading; page 5 of the grading monitoring plan states: "A Significance Testing Plan, pursuant to Special Condition 23, will be prepared only upon discovery of cultural deposits or features that have not been previously discovered."

It has come to staff's attention that Hearthside Homes, in non-compliance with Special Condition 23, failed to 1) report discovery of cultural deposits in Ora-85 during archaeological and project grading in 2006[2], 2) cease construction in accordance with Special Condition 23 subsection B, and 3) carry out significance testing as required by Special Condition 23 subsection C. Please be advised that non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act.

[2] On page 8 of the document entitled "History of Bolsa Chica Archaeological Research and Salvage Work Conducted by Scientific Resource Surveys, Inc. (SRS), 1980-2008," which was provided to Commission staff on September 5, 2008 by a Hearthside representative, it is noted: "All bone concentrations from both sites were found in 2006. CA-ORA-85: 11 human bone concentrations and all animal bone concentrations found during Archaeological Grading. 1 human bone concentrations found during Construction Grading."

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

6

September 17, 2009

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, California 92614

Violation File Number: V-5-08-032

Property Location: 17201 Bolsa Chica Road, Huntington Beach; Orange County APN 110-016-36, 39

Unpermitted Development: Failure to notify the Commission, cease construction, and carry out significance testing upon discovery of a cultural deposit during project grading in non-compliance with Special Condition No. 23 of CDP No. 5-05-020

Dear Mr. Mountford:

Thank you for submitting a revised Supplemental Archaeological Program dated September 1, 2009 for archaeological discoveries at Ora-85 that, as requested in our August 24, 2009 letter and required by Special Condition 23(D) of Coastal Development Permit ("CDP") 5-05-020, was revised to incorporate consultation with the Most Likely Descendent(s)("MLD") and the Native American Heritage Commission ("NAHC"). With the program revised to address the comments of the MLD and NAHC, the Executive Director finds the mitigation measures proposed in the September 1, 2009 Supplemental Archaeological Program to be consistent with Special Condition 23.

Section III.C of the Supplemental Archaeological Program details a "mitigation program designed for the location of burials and associated grave goods at CA-ORA-85" that includes mitigation measures that have been completed and others that remain to be completed. Supplemental Archaeological Program p. 11. In order to resolve the issue, detailed in the December 18, 2008 Notice of Violation letter and described in the subject line above, of non-compliance with Special Condition 23 of your CDP in a timely manner, please complete the mitigation measures proposed in Section III.C of the Supplemental Archaeological Program that remain to be undertaken in accordance with the following timeline:

1) "Detailed documentation and special laboratory analyses of all non-sacred and non-ceremonial items," as further described in Section IV, by **November 17, 2009.**
2) "Reburial of all materials recovered from this site in the off-site designated reburial area with the previously interred human remains" by **December 1, 2009.**
3) "Incorporation of the data recovered from this process into a comprehensive report on all archaeological investigations at CA-ORA-85 and CA-ORA-83, as required by the County of Orange as part of the EIR process for this project," by **February 1, 2010.**

ATTACHMENT NO. 5.92

9/09 6

Please note that the Executive Director has determined that the changes to the project mitigation measures proposed by the Supplemental Archaeological Plan, as revised after our request to do so, are consistent in nature and scope of protection of cultural resources with the mitigation measures contained in the Grading Monitoring Plan approved pursuant to CDP 5-05-020, and thus Hearthside Homes may commence with the proposed changes without an amendment to CDP 5-05-020.

As explained to you in detail in the December 15 Notice of Violation letter, Hearthside Homes, in non-compliance with Special Condition 23, failed to 1) report discovery of cultural deposits in Ora-85 during archaeological and project grading in 2006, 2) cease construction in accordance with Special Condition 23 subsection B, and 3) carry out significance testing as required by Special Condition 23 subsection C. Non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act. Approval of the Supplemental Archaeological Program does not limit the Commission's right to seek relief, including but not limited to monetary penalties, under Chapter 9 for the Coastal Act violation detailed in the December 15 Notice of Violation letter.

Also, approval of the Supplemental Archaeological Program does not limit the Commission from taking enforcement action to address Coastal Act violations at the subject property other than those that are the subject of the December 15 Notice of Violation letter.

Thank you for your cooperation in preparing a Supplementary Archaeological Plan that meets the requirements of Special Condition 23. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me (562) 590-5071.

Sincerely,

Andrew Willis
District Enforcement Analyst

cc: **Susan Hori**
Nancy A. Wiley, Ph.D, SRS
Larry Myers, NAHC
Sherilyn Sarb, Deputy Director, CCC
Teresa Henry, South Coast District Manager, CCC
Lisa Haage, Chief of Enforcement, CCC

9/09-2

ATTACHMENT NO. 5.93

eucalyptus ESHA from impacts of the contemplated residential development when the ESHA habitat serves raptors which fly and for whom the topographic separation would not seem to be significant. This too should be addressed in the Biological Assessment. The Assessment should be prepared prior to decisions on appropriate land use at the site. In any case, such a Biological Assessment will be required at the time an LCP amendment is submitted for Commission review.

Cultural Resources

The subject site is within an area of known archaeological significance. The MND/EA states that an archaeological report was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009. The May 2009 Archaeological Report includes, according to the MND/EA, discussion of the previous investigations of the archeological site. The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied this area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.

The MND/EA, in the second mitigation measure of the MND (CR-2), states that if pre-historic human remains are discovered the Most Likely Descendent shall inspect the site and "may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." The option of preservation in place should be an option available to the Most Likely Descendent in the event prehistoric human remains are encountered. Furthermore, preservation in place should also be considered if any significant cultural resources are discovered at the site.

Again thank you for the opportunity to comment on the proposed pre-zoning and Mitigated Negative Declaration. Please contact me if you have any questions regarding these comments.

Sincerely,

Meg Vaughn
Staff Analyst

cc: Mary Beth Broeren, Planning Manager

Ridge MND 10.14.09 mv

ATTACHMENT NO. 5.94

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING

June 3, 2009

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, CA 92614

SUBJECT: **General Plan Amendment No. 08-011/Zoning Map Amendment No. 08-007/Environmental Assessment No. 08-016/Conditional Use Permit No. 08-046/Coastal Development Permit No. 08-022/Tentative Tract Map 17294/Local Coastal Program Amendment No. 09-002; ("The Ridge" 22-unit Planned Unit Development) – 17202 Bolsa Chica Street (5-acre site southeast of the intersection of Bolsa Chica Street and Los Patos Avenue)**
PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Mr. Mountford,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at jvillasenor@surfcity-hb.org or 714-374-1661 and/or the respective source department (contact person below).

Sincerely,

Jennifer Villasenor
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Darin Maresh, Fire Department – 714-536-5564
Steve Bogart, Public Works – 714-536-5580
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Property Owner
Project File

HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	DECEMBER 1, 2008
PROJECT NAME:	HEARTHSIDE HOMES
ENTITLEMENTS:	PLANNING APPLICATION NO. 08-046
PROJECT LOCATION:	HUNTINGTON BEACH, CA
PLANNER:	JENNIFER VILLASENOR, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-661/ jvillasenor@surfcity-hb.org
PLAN REVIEWER-FIRE:	DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL:	(714) 536-5531/ ~~lcaldwell@surfcity-hb.org~~
PROJECT DESCRIPTION:	TO PERMIT A SMALL LOT DEVELOPMENT FOR 22 SFR ON 5 ACRES, ACROSS FROM THE SANDOVER AND BRIGHTWATER RESIDENTIAL DEVELOPMENTS.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated November 10, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Environmental

SOIL SAMPLING SCHEDULES

Imported Soil Plan. All imported soil shall meet *City Specification #431-92, Soil Cleanup Standards.* When required by the Fire Department, off-site soil importation exceeding 50 cubic yards requires an "Imported Soil Plan" to be submitted to the Fire Department for review and joint approval with the Public Works Department prior to soil importation onto the site.

Initial sample schedule:

- 1 sample per 1000 cubic yards of imported fill (prior to import).

ATTACHMENT NO. 6.2

Public Works may also have plan requirements for grading, stockpiling. haul routes, storm water pollution prevention, erosion and/or dust control.

Note: Grading Plans must be approved by the Fire Department prior to issuance of a Public Works grading permit. Standard Fire Department notes are required to be on the plans on oil industry impacted sites. Additional requirements will be necessary for the development of former oilfield property.

Soil testing results must be submitted, and approved by the Fire Department prior to issuance of a building permit. **(FD)**

SITE DEVELOPMENT

Fire Apparatus Access

Small Lot Development - Fire Access Roads shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving surface shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width for declared small lot development is thirty-six feet (36') wide, curb to curb, with thirteen feet six inches (13' 6") vertical clearance.

NOTE: All buildings or structures within the declared small lot development must be protected with automatic fire sprinklers throughout. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**

Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**

Secured Vehicle Entries shall utilize KNOX® activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Reference compliance in the plan notes. **(FD)**

Secured Automated Vehicle Entry Gates (Residential) shall utilize a combination "Strobe-Activated Switch" and "Knox Manual Key Switch", and comply with *City Specification # 403, Fire*

Access for Pedestrian or Vehicular Security Gates & Buildings. Reference compliance with *City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. **(FD)**

++

Fire Hydrants and Water Systems

Fire Hydrants are required. 3 hydrants are required – Please contact use for recommended locations. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrants and service mains shall meet NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. For Fire Department approval, portray the fire hydrants and reference compliance with NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification #407 Fire Hydrant Installation Standards in the plan notes. **(FD)**

Fire Suppression Systems

Fire Alarms

Fire Alarm System is required. For Fire Department approval, shop drawings shall be submitted to the Fire Department as separate plans for permits and approval. For Fire Department approval, reference and demonstrate compliance with *UBC 305.9* on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. **(FD)**

Fire Sprinklers

Small Lot Developments (SFD) - Residential (NFPA 13D) Automatic Fire Sprinklers are required for "Small Lot Developments". NFPA 13D automatic fire sprinkler systems are required per Huntington Beach Fire Code for new residential one and two family dwellings and manufactured homes with a declared Small Lot Development designation.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval.

Automatic fire sprinkler systems must be maintained operational at all times.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

ATTACHMENT NO. 6.4

NOTE: When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. **(FD)**

Modification, additions, or deletions to an existing automatic fire sprinkler system or fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - Automatic Fire Sprinkler Systems and NFPA 13 in the plan notes. **(FD)**

Residential (NFPA 13D) Automatic Fire Sprinklers Systems Supply. Residential NFPA 13D fire sprinkler systems supply shall be a minimum of a one inch (1") water meter service, installed per Fire Department, Public Works, and Water Division Standards. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The water service improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for water meter requirements. **(FD)**

Fire Sprinkler Underground

On-Site Fire Service Piping (FSP) Application for permit shall be made for on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work, unless otherwise noted. **(FD)**

Connection to the Public Water Supply - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site

improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. **(FD)**

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. **(FD)**

Addressing and Street Names

Residential (SFD) Address Numbers shall be installed to comply with City Specification #428, Premise Identification. Number sets are required on front of the structure in a contrasting color with the background and shall be a minimum of four inches (4") high with one and one half inch (½") brush stroke. For Fire Department approval, reference compliance with City Specification #428, Premise Identification in the plan notes and portray the address location on the building. **(FD)**

GIS Mapping Information

a. ***GIS Mapping Information*** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:

- Site plot plan showing the building footprint.
- Specify the type of use for the building
- Location of electrical, gas, water, sprinkler system shut-offs.
- Fire Sprinkler Connections (FDC) if any.
- Knox Access locations for doors, gates, and vehicle access.
- Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.

- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.
  In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing.*

  For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

  For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

OTHER:

a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**

b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at **www.surfcity-hb.org**

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

ATTACHMENT NO. 67

HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT

SUGGESTED CONDITIONS OF APPROVAL

DATE:	**DECEMBER 9, 2008**
PROJECT NAME:	**THE RIDGE RESIDENTIAL DEVELOPMENT**
ENTITLEMENTS:	**GPA 08-011, ZMA 08-007, EA 08-016, CUP 08-046, CDP 08-022, TTM 08-125**
PLNG APPLICATION NO.	**2008-0220**
DATE OF PLANS:	**OCTOBER 31, 2008**
PROJECT LOCATION:	**17202 BOLSA CHICA ST. APN: 110-016-35 SOUTHEAST4990 "A" STREET, "B" STREET AND "C" STREET (EAST SIDE OF BOLSA CHICA, SOUTH OF LOS PATOS)**
PLANNER	**JENNIFER VILLASENOR, ASSOCIATE PLANNER**
TELEPHONE/E-MAIL:	**714-374-1661/ JVILLASENOR@SURFCITY-HB.ORG**
PLAN REVIEWER:	**STEVE BOGART, SENIOR CIVIL ENGINEER**
TELEPHONE/E-MAIL:	**714-374-1692 / DDEBOW@SURFCITY-HB.ORG**
PROJECT DESCRIPTION:	**HEARTHSIDE HOMES HAS SUBMITTED A REQUEST TO AMEND THE ZONING MAP AND GENERAL PLAN LAND USE DESIGNATIONS FROM RESIDENTIAL AGRICULTURAL AND OPEN SPACE-PARKS, RESPECTIVELY TO RESIDENTIAL - LOW DENSITY FOR THE CONSTRUCTION OF A 22 SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD). THE 5 ACRE SITE IS LOCATED ACROSS FROM THE SANDOVER AND BRIGHTWATER RESIDENTIAL DEVELOPMENTS.**

THE FOLLOWING CONDITION IS REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A PRECISE GRADING PERMIT:

1. The developer shall design and improve, and "The Ridge" Homeowners Association (HOA) shall maintain the linear open space along the north property line to the City of Huntington Beach design and maintenance standards for landscaped areas. The soil within the linear open space shall be tested and the results shall be acceptable to the City for landscape improvements. If the soil tests reveal unacceptable and/or un-mitigable agricultural soil conditions, the developer shall remove all soil within the linear open space area to a depth of thirty six inches and replace that soil with Class A topsoil that has been tested and approved by an approved testing laboratory and by the City for importation. All materials used for irrigation and planting shall be approved by the City, and all installation shall be reviewed and approved by the City prior to final inspection of the first dwelling unit within the tract.

ATTACHMENT NO. 6.8

HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	**DECEMBER 9, 2008**
PROJECT NAME:	**THE RIDGE RESIDENTIAL DEVELOPMENT**
ENTITLEMENTS:	**GPA 08-011, ZMA 08-007, EA 08-016, CUP 08-046, CDP 08-022, TTM 08-125**
PLNG APPLICATION NO.	**2008-0220**
DATE OF PLANS:	**OCTOBER 31, 2008**
PROJECT LOCATION:	**17202 BOLSA CHICA ST. APN: 110-016-35 SOUTHEAST4990 "A" STREET, "B" STREET AND "C" STREET (EAST SIDE OF BOLSA CHICA, SOUTH OF LOS PATOS)**
PLANNER	**JENNIFER VILLASENOR, ASSOCIATE PLANNER**
TELEPHONE/E-MAIL:	**714-374-1661/ JVILLASENOR@SURFCITY-HB.ORG**
PLAN REVIEWER:	**STEVE BOGART, SENIOR CIVIL ENGINEER**
TELEPHONE/E-MAIL:	**714-374-1692 / DDEBOW@SURFCITY-HB.ORG**
PROJECT DESCRIPTION:	**HEARTHSIDE HOMES HAS SUBMITTED A REQUEST TO AMEND THE ZONING MAP AND GENERAL PLAN LAND USE DESIGNATIONS FROM RESIDENTIAL AGRICULTURAL AND OPEN SPACE-PARKS, RESPECTIVELY TO RESIDENTIAL -LOW DENSITY FOR THE CONSTRUCTION OF A 22 SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD). THE 5 ACRE SITE IS LOCATED ACROSS FROM THE SANDOVER AND BRIGHTWATER RESIDENTIAL DEVELOPMENTS.**

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ATTACHMENT NO. 6.9

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO DEEMING THE APPLICATION COMPLETE:

1. The developer shall submit detailed geological, sewer, drainage, flood control, soils, traffic and other reports deemed necessary by the City Engineer to permit a complete review of the design and improvements for the subdivision. The developer shall also submit a fiscal impact report prepared by an independent economic analyst, evaluating the projected impacts the development may have on city services. This report shall also include marketing and cost benefit information for the project. (ZSO 252.04)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF A FINAL VESTING TRACT MAP UNLESS OTHERWISE STATED:

2. The site plan received and dated October 31, 2008 shall be the conditionally approved layout except for:
   a. The proposed 4-inch deviated wedge curb shall be replaced with City of Huntington Beach Standard Plan No. 216. Curb height shall be determined pursuant to the approved hydrology and hydraulic study.
   b. Sewer and Water pipeline design shall be shown in "C" Street.
   c. Design and specifications for all public facilities including but not limited to on and off-site sewer, water, drainage, roads and other improvements.
3. Final Vesting Tract Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the final Vesting Tract Map.
4. The Final Vesting Tract Map shall be consistent with the approved Vesting Tentative Tract map. (ZSO 253.14)
5. The following dedications to the City of Huntington Beach shall be shown on the Final Vesting Tract Map. (ZSO 230.84A & 253.10K)
   a. A utility easement, covering the public water and sewer facilities and appurtenances located within "A" Street, "B" Street and "C" Street. The water easement shall be a minimum total width of 10-feet clear (5-feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20-feet to allow for equipment access and maintenance operations. The sewer easement shall be per Huntington Beach Standard Plan No. 500. The City shall have access to public sewer and water facilities and appurtenances at all times, with access rights in, over, across, upon and through "A" Street, "B" Street and "C" Street for the purpose of maintaining, servicing, cleaning, repairing and replacing the sewer and water system as dedicated to the City.
   b. An easement over "A" Street, "B Street and "C" Street for Police and Fire Departments access.
   c. A pedestrian easement at the entrance of "A" Street and Bolsa Chica Street for north/south pedestrian path of travel.)

d. A 2-ft. public utility easement for "A" Street, "B" Street and "C" Streets, per Huntington Beach Standard Plan No. 104.

6. The water system and appurtenances for the entire project shall be a public system.

7. The sewer system and appurtenances for the entire project shall be a public system.

8. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association.

9. A final hydrology and hydraulic analysis for the runoff from this project (10, 25, and 100-year storms and back-to-back 100 year storms shall be analyzed) and its impact to the existing downstream storm drainage system shall be submitted to Public Works for review and approval with first submittal of the Precise Grading Plan. In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite attenuation analysis. Possible mitigation measures to manage increased storm water runoff may include on-site attenuation and/or construction of downstream drainage improvements. The study and the proposed drainage improvements shall include on-site, privately maintained BMPs to control the quality of run-off water from the development. The study shall also justify final pad elevations on the site in conformance with the latest FEMA requirements and City Standard Plan No. 300. (ZSO 230.84)

10. A will-serve letter from the Orange County Sanitation District (OCSD), to accept the discharge from the new development into the existing OCSD sewer in Los Patos Ave. shall be obtained. A copy shall be provided to the City of Huntington Beach, Public Works Department.

11. A qualified, Licensed Engineer shall prepare a detailed soils and geotechnical analysis. This analysis shall include Phase II Environmental on-site soil sampling in areas not previously investigated and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, liquefaction, foundations, landscaping, dewatering, ground water, retaining walls, pavement sections and utilities. (ZSO 251.06 & 253.12)

12. A Traffic Impact Analysis shall be submitted for review and approval for this project. (GP)

13. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)

    a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).

14. Documentation, including closure calculations, shall be provided to establish the boundary lines of the tract.

15. A reproducible Mylar copy and a print of the recorded final tract map shall be submitted to the Department of Public Works at the time of recordation.

16. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item:

    a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.

    b. Provide a digital-graphics file of said map to the County of Orange.

17. Provide a digital-graphics file of said map to the City per the following design criteria:

    a. Design Specification:

        i. Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.

        ii. Digital data shall have double precision accuracy (up to fifteen significant digits).

        iii. Digital data shall have units in US FEET.

        iv. A separate drawing file shall be submitted for each individual sheet.

        v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.

        vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.

    b. File Format and Media Specification:

        i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):

            - AutoCAD (version 2000, release 4) drawing file: ___.DWG
            - Drawing Interchange file: _____.DXF

        ii. Shall be in compliance with the following media type:

            - CD Recordable (CD-R) 650 Megabytes

18. All improvement securities (Faithful Performance, Labor and Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney, if it is desired to record the final map or obtain building permits before completion of the required improvements. (ZSO 255.16)

19. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (ZSO 253.12K)

20. The grading and improvement plans shall be submitted to the Department of Public Works for review and approval. The engineer shall submit cost estimates for determining bond amounts. (ZSO 255.16C & MC 17.05)

21. A Homeowners' Association(s) (HOA) shall be formed, and shall include responsibility for the maintenance and replacement of the following for the total project area:

    a. Required landscape on Bolsa Chica Street

    b. Items within the Maintenance License Agreement (including landscaped area along the northerly project boundary

    c. Lot G and Lot D

    d. Common onsite landscaping and irrigation improvements

    e. Private storm drainage systems

    f. Best Management Practices (BMP's) as per the approved Water Quality Management Plan (WQMP)

CC&R's shall be required for the development and the aforementioned items shall be addressed in the development's CC&R's.

22. The Homeowners' Association (HOA) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach for maintenance and control of the area within the public water and sewer easements, which shall address repair to any enhanced pavement, etc., if the public water and sewer pipelines and/or appurtenances require repair or maintenance. The HOA shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any public water or sewer pipelines. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29)

23. The Final Vesting Tract Map shall be consistent with the approved Tentative Vesting Tract Map. (ZSO 253.04)

24. All applicable Public Works fees shall be paid. (ZSO 250.16)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A PRECISE GRADING PERMIT:

1. The final Vesting Tract map shall be recorded with the County of Orange prior to issuance of a precise grading permit.

2. Separate plans for removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations shall be prepared by a Licensed Civil Engineer, and be submitted to the Public Works Department for review and approval. (MC 17.05.140)

3. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. (MC 17.05.150/FD Spec. 431-92)

4. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. Final grades and elevations on the grading plans shall not vary by more than 1-foot from the grades and elevations on the approved Vesting Tentative Tract Map and site plan, unless otherwise required by these development requirements and/or conditions of approval, and as directed by the Department of Public Works. (MC 17.05/ZSO 255.04A)

5. Street Improvement Plans, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines. The following improvements shall be shown on the plan:

   a. Curb, gutter and ADA compliant sidewalk shall be provided for along "A" Street, "B" Street and "C" Street, per CHB Standard Plan No. 202. ADA compliant meandering sidewalk shall be provided for along Bolsa Chica Street. ADA compliant access shall be provided through all improvements, including off-site locations, where improvements are included in project related plans. All sidewalks shall meet ADA, Title 24 and Pubic Works standards to the maximum extent feasible.

b. Curb ramps compliant with current ADA requirements shall be installed on the east side curb returns at the intersection of Bolsa Chica Street and "A" street. (ADA)

c. Curb ramps compliant with current ADA requirements shall be installed at the intersections of "B" Street and "C" Street. (ADA)

d. Intersection sight distance shall be provided at the intersection of Bolsa Chica Street and "A" Street. Sight distance criteria shall be based on Caltrans Highway Design Manual, Chapter 400.

e. The sewer facilities shall be designed per the approved final Sewer Study and City Standards.

f. Each dwelling unit shall have a new sewer lateral installed connecting to the main in the street. (ZSO 230.84)

g. All drainage facilities shall be designed per the approved final hydrology and hydraulics study and City Standards. (ZSO 255.04A)

h. Each separate landscaping area (i.e. Home Owner's Association (HOA) property, public common landscaping areas, park site, etc.) shall have separate irrigation meters and services. The irrigation water services shall be a minimum of 1-inch in size. (Resolution 2003-29, ZSO 232)

i. Each dwelling unit shall have a separate domestic water service and meter installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The domestic water service shall be a minimum of 1-inch in size. (ZSO 230.84)

j. Separate backflow protection devices shall be installed per Water Standards for all domestic and irrigation water services. (Resolution 5921 and Title 17)

k. Street lighting plans on Bolsa Chica Street along the project frontage and on "A" Street, "B" Street and "C" Street shall be prepared by a Licensed Civil or Electrical Engineer and submitted to the Public Works Department for review and approval. A photometric plan shall be submitted to Public Works, which indicates the existing, relocated and proposed street lights and the adequacy of such lighting. Lighting shall be per the City of Huntington Beach Standard Plans. (ZSO 230.84, City Standard Plan No. 411)

l. A signing and striping plan for Bolsa Chica Street shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to the Public Works Department for review and approval. The plans shall be prepared according to the City of Huntington Beach Signing and Striping Plan Preparation Guidelines. (ZSO 230.84)

m. A new 8-inch water pipeline shall be constructed, per Water Division Standards, along the new "A" Street, "B" Street and "C".

n. No modifications to the sewer or water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water and sewer systems and pavement overlay. (ZSO 255.04E)

6. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)

ATTACHMENT NO. 6.14

a. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)

b. Standard landscape code requirements apply. (ZSO 232)

7. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)

8. Landscaping plans should utilize drought-tolerant landscape materials where appropriate and feasible. (DAMP)

9. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)

10. The Project Water Quality Management Plan (WQMP) shall address the City's plan check comments from the Conceptual WQMP dated September 26, 2008; and shall conform to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:

a. Discusses regional or watershed programs (if applicable)

b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas

c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)

d. Incorporates Treatment Control BMPs as defined in the DAMP

e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs

f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs

g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs

h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs

i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be retuned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:

   i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).

   ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.

j. The applicant shall return one CD media to Public Works for the project record file.

11. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.

12. The current tree code requirements shall apply to this site. (ZSO 232)

    a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,

    b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)

13. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)

14. All applicable Public Works fees shall be paid per Chapter 232 of the Zoning and Subdivision Ordinance. (ZSO 232)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING THE IMPROVEMENT OPERATIONS:

1. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)

2. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)

3. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)

4. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)

5. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)

6. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)

7. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)

8. Wind barriers shall be installed along the perimeter of the site. (DAMP)

9. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas.

10. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION:

1. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
   a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
   b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
   c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
   d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
2. Traffic impact fees shall be paid at the rate applicable at the time of occupancy. The current rate of $163 per net new added daily trip is adjusted annually. This project is forecast to generate 264 new daily trips for a total traffic impact fee of $43,032.00 or $1,956.00 per residential unit. (MC 17.65)
3. All landscape, irrigation and hardscape improvements for the park shall be completed.
4. Complete all improvements as shown on the approved grading, street improvement and landscape plans. (MC 17.05)
5. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
6. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
7. All new utilities shall be undergrounded. (MC 17.64)
8. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)
9. All applicable Public Works fees shall be paid per Chapter 232 of the Zoning and Subdivision Ordinance. (ZSO 232)

ATTACHMENT NO. 6.17

HUNTINGTON BEACH
POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	DECEMBER 3, 2008
PLANNER:	JENNIFER VILLASENOR
PROJECT NAME:	HEARTHSIDE HOMES
REQUEST:	TO AMEND THE ZONING MAP AND GENERAL PLAN TO ALLOW 22 LOW DENSITY SINGLE FAMILY HOMES.
PROJECT LOCATION:	SE CORNER OF BOLSA CHICA STREET AND LOS PATOS AVE.
PLAN REVIEWER:	JAN THOMAS
TELEPHONE/E-MAIL:	(949) 348-8186 jckthomas@cox.net

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Conditions listed below shall be completed before final inspection.

SUGGESTED CONDITIONS OF APPROVAL

Recommendation:

Lot D shall include no berms. It shall remain level with the street. Following are three reasons:

1. Visibility to and around the homes and neighborhood will remain open.
2. Balls will not as readily roll into the street. (Possibly add a small fence at the east end of the park.)
3. Parents are able to watch their child play in that area, if the parent is watching from his/her home.

Recommendation:

The meandering trail and landscape lot to the north of the project should be lighted throughout all hours of darkness.

Landscaping in this area shall be designed and maintained to allow users to view their surroundings. Potential offenders should have no dense landscaping to use for concealment.

ATTACHMENT NO. 6.18

CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	DECEMBER 3, 2008
PROJECT NAME:	HEARTHSIDE HOMES
PLANNING APPLICATION NO.:	PLANNING APPLICATION NO. 08-0220
DATE OF PLANS:	OCTOBER 31, 2008
PROJECT LOCATION:	APN: 110-016-35
PROJECT PLANNER:	JENNIFER VILLASENOR, ASSOCIATE PLANNER
PLAN REVIEWER:	JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL:	(714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION:	REQUEST TO AMEND THE EXISTING GP DESIGNATION FROM OPEN SPACE-PARK (OS-P) TO RESIDENTIAL MEDIUM DENSITY (RM-15) TO PERMIT THE DEVELOPMENT OF 22 SINGLE-FAMILY UNITS.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

ATTACHMENT NO. 6.19

CITY OF HUNTINGTON BEACH
INTER-DEPARTMENTAL COMMUNICATION
COMMUNITY SERVICES

TO: Jennifer Villasenor, Associate Planner, Planning

FROM: David Dominguez, Facilities, Development & Concessions Manager
Community Services

DATE: December 2, 2008

PETITION(S) GPA No. 08-11;ZMA No. 08-007; EA No. 08-016; CUP No. 08-046; CDP No. 08-022; TTM No. 08-125, LCPA (to be submitted)

Community Services has reviewed the petition to amend the general plan for APN# 110-016-35 from Residential Agriculture and Open Space to Residential / Low Density. Because the proposed development will consist of only 22 residential units and will be located within approximately a half-mile of four neighborhood parks, Community Services approves of the requested change for the General Plan designation. However, the location of the turf park should be evaluated in terms of its location and size to maximize use by the public.

Should you have any questions, please feel free to contact me at x5309.

DD/mkl

ATTACHMENT NO. 6.20

CITY OF HUNTINGTON BEACH

2000 MAIN STREET CALIFORNIA 92648

DESIGN REVIEW BOARD

Phone 536-5271
Fax 374-1540
374-1648

NOTICE OF ACTION

January 14, 2010

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, CA 92614

APPLICATION: The "Ridge" 22-Unit Planned Unit Development

APPLICANT/
PROPERTY OWNER: Ed Mountford, Hearthside Homes, 6 Executive Circle, Suite 250, Irvine, CA 92614

REQUEST: Review the project design, architecture and landscaping in conjunction with "green"/sustainable design features for a residential 22-unit Planned Unit Development known as "The Ridge"

LOCATION: 5-acre site southeast of the intersection of Bolsa Chica Street and Los Patos Avenue

DATE OF ACTION: **January 14, 2010**

The Design Review Board of the City of Huntington Beach reviewed the above-referenced request on **January 14, 2010**, and provided recommendations (Attachment No. 1) to the Planning Commission.

Please be advised that the Design Review Board reviews the conceptual plan as a basic request for entitlement and forwards any recommendations, in this case, to the Planning Commission. Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Design Review Board is only a recommendation and is not appealable. The recommendations of the Design Review Board will be forwarded to the Planning Commission for consideration. You will be notified of the Planning Commission's action.

ATTACHMENT NO. 7.1

If you have any questions, please contact Jennifer Villasenor, Acting Senior Planner at (714) 374-1661 or via email at jvillasenor@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Tess Nguyen, Secretary
Design Review Board

TN:jv

ATTACHMENT(S):

Recommendations to the Planning Commission

c: Herb Fauland, Planning Manager
Project File

ATTACHMENT NO. 7.2

ATTACHMENT NO. 1

RECOMMENDATIONS FOR THE "RIDGE" 22-UNIT PUD PROJECT DESIGN PLANS

1. Use recycled material and products for the furnishings (i.e. – benches, waste receptacles) in the proposed common open space area.

2. Reuse remaining vegetation from pruning and landscape maintenance for mulch.

3. The material used between the pervious pavers should also be a porous material.

4. Plant large-sized trees, as recommended by an arborist, in the proposed common open space area.

5. Utilize the most water conserving planting materials available.

6. Consider installing solar panels on any proposed patio covers or trellis structures.

7. Choose a dark color for the pervious pavers in the streets and driveways.

ATTACHMENT NO. 7.3

SUBDIVISION COMMITTEE
MINUTES

January 28, 2010
Room B-7, Civic Center
3:00 P.M.

Subdivision Committee Planning Commissioners Present: Chair Blair Farley, Commissioner John Scandura, Commissioner Tom Livengood

Subdivision Committee Staff Members Present: Herb Fauland, Chief Bill Reardon, Steve Bogart

Staff Present: Jennifer Villasenor – Planning & Building, Darin Maresh – Fire, Debbie DeBow – Public Works

Applicant Present: Ed Mountford, Carol McFarland, Bill Maul

TENTATIVE TRACT MAP NO. 17294 (THE "RIDGE" 22-UNIT PLANNED UNIT DEVELOPMENT)

APPLICANT: Ed Mountford, Hearthside Homes, 6 Executive Circle, Suite 250, Irvine, CA 92614

SUBDIVIDER: Ed Mountford, Hearthside Homes, 6 Executive Circle, Suite 250, Irvine, CA 92614

ENGINEER: Steve Goode, Stantec, 19 Technology Drive, Irvine, CA 92618

REQUEST: To subdivide 4.97 acres of land for 22 numbered lots and nine lettered lots. The proposed subdivision map is intended to permit development of 22 single-family dwellings and associated street, landscaping, and common open space area.

The meeting began and Committee Member Fauland discussed the order of the meeting and discussed that the role of the Committee would be to review the proposed subdivision in accordance with the Subdivision Map Act, the Huntington Beach Zoning and Subdivision Ordinance and applicable codes and requirements.

Public Works Department, Fire Department, and Planning & Building Department Comments:

Project Planner, Jennifer Villasenor, gave an overview of the project and the proposed subdivision map and presented the Planning & Building recommended conditions of approval for the map.

Steve Bogart, Public Works Department, discussed the review by the Public Works Department, highlighted several code requirements and provided a recommended condition of approval (Condition #11 below).

ATTACHMENT NO. 8.1

Bill Reardon, Fire Department, discussed applicable Fire Department code requirements and indicated that the Fire Department has met with the project applicant several times. Chief Reardon pointed out that the project would require three fire hydrants and that the project would exceed some of the Fire Department's minimum requirements.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17294:

1. Tentative Tract Map No. 17294 dated May 4, 2009, shall be the approved layout except as amended per the conditions stated herein.

2. The final map for Tentative Tract Map No. 17294 shall not be approved by the City Council until Zoning Map Amendment No. 08-007, General Plan Amendment No. 08-011 and Zoning Text Amendment No. 09-008 are approved and in effect, and Local Coastal Program Amendment No. 09-002 has been approved by the California Coastal Commission for the Implementation Plan.

3. At least 90 days before City Council action on the final maps, CC&Rs shall be submitted to the Departments of Planning, Public Works and City Attorney's office for review and approval. The CC&Rs shall reflect all access easements and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the final map. The CC&Rs shall include the following

    a. The Homeowners' Association (HOA) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach for maintenance and control of the area within the public water and sewer easements, which shall address repair to any enhanced pavement, etc., if the public water and sewer pipelines and/or appurtenances require repair or maintenance. The HOA shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any public water or sewer pipelines. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29)

    b. The CC&Rs shall specify that landscaping for individual housing lots and recreation areas that are directly adjacent to a resource protection area shall not include any exotic invasive plant species. The CC&Rs shall be binding on each of the lots, shall run with the land affected by the subdivision and shall be included or incorporated by reference in every deed transferring one or more lots in the subdivision.

4. A Domestic Animal Control Plan shall be prepared that details methods to be used to prevent pets from entering any resource protection areas, including but not limited to, appropriate fencing and barrier plantings.

5. A Pesticide Management Plan shall be prepared that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides and herbicides in outdoor areas, except Vector Control conducted by the City or County.

6. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within resource protection areas.

7. The project applicant shall provide any buyer of a housing unit an information packet that explains the sensitivity of the natural habitats adjacent to the project site and the need to

ATTACHMENT NO. 8.2

minimize impacts on the designated resource protection area(s), and the prohibition on landscaping that includes exotic invasive plant species on lots that are directly adjacent to a resource protection area. The information packet shall include a copy of the Domestic Animal Control Plan and Pesticide Management Plan and be required for all sales of housing units pursuant to the CC&Rs.

8. Protective fencing or barriers shall be installed and maintained between the adjacent resource protection area and areas developed for homes or recreational use for the purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas. Visual impacts created from walls or barriers adjacent to open space conservation and passive recreational use areas shall be minimized through measures such as open fencing/wall design, landscape screening, use of undulating or off-set wall features, etc.

9. Comply with all applicable Conditional Use Permit No. 2008-046 and Coastal Development Permit No. 08-022 conditions of approval.

10. Comply with all mitigation measures adopted for the project in conjunction with EA No. 08-016.

11. The developer shall design and improve, and "The Ridge" Homeowners Association (HOA) shall maintain the linear open space along the north property line to the City of Huntington Beach design and maintenance standards for landscaped areas. The soil within the linear open space shall be tested and the results shall be acceptable to the City for landscape improvements. If the soil tests reveal unacceptable and/or un-mitigable agricultural soil conditions, the developer shall remove all soil within the linear open space area to a depth of thirty six inches and replace that soil with Class A topsoil that has been tested and approved by an approved testing laboratory and by the City for importation. All materials used for irrigation and planting shall be approved by the City, and all installation shall be reviewed and approved by the City prior to final inspection of the first dwelling unit within the tract.

12. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:

    a. An Affordable Housing Agreement in accord with Section 230.26 of the ZSO.

    b. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16)

    c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).

    d. All applicable Public Works fees shall be paid. (ZSO 250.16)

ATTACHMENT NO. 8.3

Subdivision Committee Member Comments:

Committee Member Fauland inquired what the park requirement would be and how the applicant would satisfy the requirement. Project Planner Villasenor indicated that the Community Services Department would require payment of park fees rather than accepting a dedication of land.

Committee Memer Scandura inquired about the affordable housing agreement that would be required. Project Planner Villasenor stated that the applicant intended to satisfy the requirement through the payment of in-lieu fees. Committee Member Scandura asked if the Planning Commssion can see a draft of the affordable housing agreement. Committee Member Fauland indicated that the affordable housing information would be provided with the Planning Commission packet.

Committee Member Farley asked if Condition #6 should state "mitigate" rather than "minimize?" Project Planner Villasenor responded that the wording for the condition was the same wording from Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance, but that the wording could be changed to "mitigate" and would have the same meaning in the context of the condition of approval for the tentative tract map. Committee Member Farley stated that while the conditions were good in terms of minimizing impacts to the Environmentally Sensitive Habitat Area (ESHA) to the east, how would the conditions be enforced in the future? He gave an example of a homeowner installing floodlights in their backyard facing the ESHA. Project Planner Villasenor stated that these issues are generally regulated by the Homeowners Association (HOA) through the CC&Rs and that if someone wanted to get a permit from the City, the City would ask for approval from the HOA.

Committee Member Farley asked if there should be a condition guaranteeing public access for the proposed trail north of the subject property so that the HOA does not try to close it off in the future if they have problems with maintaining it. Project Planner Villasenor stated that this issue would be a condition of approval on the coastal development permit (CDP). Committee Member Farley then asked if there should be a condition guaranteeing the proposed public benefit of the green standards and the drainage concept. Project Planner Villasenor stated that these issues would also be addressed in the conditions of approval for the CDP. Committee Member Farley then inquired if the homes could be sited closer to the rear property line to minimize impacts from domestic animals and landscaping of private owners on the nearby ESHA. Project Planner Villasenor stated that siting the homes against the rear property line was not a consideration since it would be inconsistent with the zoning standards for minimum rear yard setbacks. This would put the applicant in a position of having to apply for a variance based on a modification that staff was recommending. Committee Member Farley stated that the zoning regulations should allow for creativity in instances like these.

Committee Member Scandura asked what enforcement the City would be able to do if there were repeated violations of the CC&Rs by the homeowners. Project Planner Villasenor indicated that while the City does not enforce CC&Rs, any violations of the conditions of approval could be enforced through the Code Enforcement division. For instance, if the conditions require lighting that would not impact the adjacent areas to be utilized in the development and a homeowner installed floodlights, then there would be a violation of a condition of approval that the Code Enforcement division could address. Committee Member Fauland further addressed this issue and stated that the City is in a position to enforce conditions of approval for entitlements associated with the project. Committee Member Scandura asked if the homeowners are given

copies of the conditions of approval when they buy a home. Ed Mountford, project applicant, stated that buyers are made aware of the sensitive nature of the area and are educated on the various restrictions for the use of their property. They would also get a copy of the CC&Rs.

Committee Member Scandura asked if the Committee would review the tentative tract map again if the map had to be revised as a result of the biological assessment. Committee Member Fauland confirmed that if the map changed significantly, it would be reviewed by the Committee again.

Ed Mountford, project applicant, stated that the applicant agrees with the suggested conditions of approval and introduced the project engineer and landscape architect. He stated that the Brightwater project required similar conditions due to the sensitive area and everything that they learned from the Brightwater project would be carried over to the proposed project.

Flossie Horgan, member of the public, asked what the pad elevations for the houses would be and how they would compare to the Brightwater pads. The Committee confirmed that the elevations would be approximately the same as the adjacent elevation of Bolsa Chica Street and would be lower than Brightwater.

A MOTION WAS MADE BY COMMITTEE MEMBER LIVENGOOD, SECONDED BY COMMITTEE MEMBER SCANDURA, TO RECOMMEND APPROVAL OF THE TENTATIVE MAP NO. 17294 WITH THE SUGGESTED CONDITIONS AND FORWARD TO THE PLANNING COMMISSION. (APPROVED 6-0).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING AND BUILDING DEPARTMENT
RECIRCULATED ENVIRONMENTAL ASSESSMENT NO. 2008-016

1. PROJECT TITLE:	**"The Ridge" 22-unit Planned Unit Development**
Concurrent Entitlements:	**General Plan Amendment No. 08-011; Zoning Map Amendment No. 08-007; Local Coastal Program Amendment No. 09-002; Zoning Text Amendment No. 09-008; Tentative Tract Map No. 17294; Coastal Development Permit No. 08-022; Conditional Use Permit No. 08-046**
2. LEAD AGENCY:	City of Huntington Beach 2000 Main Street Huntington Beach, CA 92648
Contact: **Phone:**	Jennifer Villasenor, Associate Planner (714) 374-1661
3. PROJECT LOCATION:	5-acre site at the southeast corner of Bolsa Chica Street and Los Patos Avenue (refer to Figure 1)
4. PROJECT PROPONENT:	Hearthside Homes 6 Executive Circle, Suite 250 Irvine, CA 92614
Contact Person: **Phone:**	Ed Mountford (949) 250-7760
5. GENERAL PLAN DESIGNATION:	OS-P (Open Space – Park)
6. ZONING:	RA-CZ (Residential Agriculture – Coastal Zone)

7. **PROJECT DESCRIPTION** (Describe the whole action involved,including, but not limited to, later phases of the project, and secondary support, or off-site features necessary for implementation):

The proposed project involves a request to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The size of the 22 residential lots ranges from 5,114 square feet to 12,250 square feet. The proposed 4 and 5 bedroom

ATTACHMENT NO. 9.1

dwellings range in size from 2,700 – 4,200 square feet and are two-stories with a two- or three-car garage. The site is proposed to take access from a single point of ingress/egress along Bolsa Chica Street. The project is proposing construction of infrastructure improvements including street, curbs, sidewalks and storm drain facilities.

The project site is currently zoned Residential Agricultural – Coastal Zone (RA-CZ) with a General Plan land use designation of Open Space – Parks (OS-P). The project applicant is proposing to amend the existing zoning to Residential Low Density – Coastal Zone (RL-CZ) with a General Plan Land Use designation of Residential Low Density – 7 units/acre (RL-7). The project also consists of a zoning text amendment that would amend the Planned Unit Development (PUD) supplemental standards and provisions of Chapter 210.12 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow greater flexibility in the provision of parking spaces for a PUD development. The changes would not allow reductions in the number of parking spaces required for a project, but would allow the parking to be provided in an alternative configuration provided that the total number of parking spaces required is provided within the development site. For instance, the proposed project is providing the required number of parking spaces for the dwelling units, however, the spaces are proposed in a tandem configuration that is not currently allowed under Chapter 231 – Off-Street Parking and Loading of the HBZSO. In addition, required open **parking** spaces are provided in the driveways and on the street. The project also requires an amendment to the City's certified Local Coastal Program to change the Land Use Plan from OS-P to RL-7 and reflect changes proposed to the HBZSO and zoning map.

Planned Unit Development

The project is being proposed and designed as a planned unit development (PUD), which allows flexibility in lot standards while providing a common, unifying public benefit. The project is proposing 22 single-family parcels that do not meet all the minimum standards for lot width and size in the RL (Residential – Low Density) zoning district. Nine of the proposed lots are less than 6,000 square feet in size, the smallest parcel being 5,114 square feet. In addition, 14 lots do not meet the minimum lot width of 60 feet (45 feet for cul-de-sac); instead, ranging in size from 17 feet for a proposed flag lot to 55 feet in width.

Public Benefit

The project proponent is proposing to provide two primary public benefits for the proposed PUD project. The first public benefit is the improvement of an existing 30-foot wide City-owned parcel immediately north of the project site. The parcel is currently undeveloped and would be improved with a 6-foot wide meandering trail and landscaping buffer that would connect to an existing informal path on the adjacent Shea property east of the project site to provide access to the Bolsa Chica wetlands from Bolsa Chica Street, thereby improving coastal access opportunities in the Bolsa Chica area.

The project is also proposing to be constructed as the City's first "green" residential project. "Green" features proposed to be incorporated in the project include integration of solar panels into the roofing of the homes, utilization of permeable pavers for sections of the street and driveways, Energy Star-rated homes and drought-tolerant landscaping, and a storm drain system designed to capture low-volume flows and allow them to percolate into the ground functioning as a water treatment and groundwater recharge system.

ATTACHMENT NO. 9.2

Construction Scenario

Rough grading and infrastructure for the project would be accomplished in one phase. The project site is generally flat, however, portions of the site slope gradually from west to east at elevations ranging from approximately 50 feet above mean sea level (msl) to approximately 38 feet msl. Finished pads on the west side of the project site, adjacent to Bolsa Chica Street, will remain relatively the same as the existing elevation. The eastern portion of the site adjacent to the Shea property would be raised three to nine feet over existing elevations requiring approximately 4,200 cubic yards of cut and 10,700 cubic yards of fill. Approximately 6,500 cubic yards of fill would be needed. Construction of the homes would be completed in two to three phases depending on market conditions. Each phase of construction would take approximately 10 months.

Project Entitlements

The proposed project requires the following entitlement requests:

- General Plan Amendment: to amend the Land Use Designation from Open Space – Park (OS-P) to Residential Low Density (RL);
- Local Coastal Program Amendment: to amend the certified Land Use Plan from Open Space – Park (OS-P) to Residential Low Density (RL) and to reflect the Zoning Map and Text Amendments described below;
- Zoning Map Amendment: to amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ);
- Zoning Text Amendment: to amend Chapter 210.12 – PUD Supplemental Standards and Provisions to allow flexibility in accommodating the total number of required parking spaces within a PUD development;
- Tentative Tract Map: to subdivide the approximately 5-acre lot into 22 single-family residential parcels and **nine** ~~eight~~ lettered lots;
- Coastal Development Permit: to construct 22 single-family residences and associated infractructure in the coastal zone; and
- Conditional Use Permit: to permit construction on a site with greater than a three-foot grade differential.

8. SURROUNDING LAND USES AND SETTING:

The approximately 5-acre site is generally located at the southeast corner of Bolsa Chica Street and Los Patos Avenue. Historically, the site has been used periodically over the years for agricultural purposes, but has not been used for agriculture in approximately 5 years. The site is currently undeveloped, except for an area in the southwest portion of the property that is being utilized as temporary construction headquarters for the adjacent Brightwater Development.

North of the project site is the previously discussed undeveloped 30-foot wide City-owned parcel, which is proposed to be improved with a public access trail by the project applicant to connect to the informal path on the Shea **Homes (Shea)** property to the east. North of the 30-foot wide parcel is a multi-family condominium complex. East of the project site is the undeveloped Shea property, which is approved by the City for the development of a single-family residential subdivision with a park and

ATTACHMENT NO. 7.3

open space/conservation areas. The portion of the Shea property directly abutting the project site is designated as Open Space – Conservation. The 6.2-acre undeveloped Goodell property is located immediately south of the project site. The Goodell property is currently located in the County of Orange and the City has initiated an application for the annexation of the property into the City. West of the project site is Bolsa Chica Street and the Brightwater and Sandover Developments. Both developments consist of single-family residential uses. The Brightwater development also consists of large open space/conservation areas. Surrounding zoning and general plan land uses designations are depicted in Figures 2 and 3. Figure 4 represents the project site in relation to the surrounding properties, developments and resources that are referenced within this document.

9. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

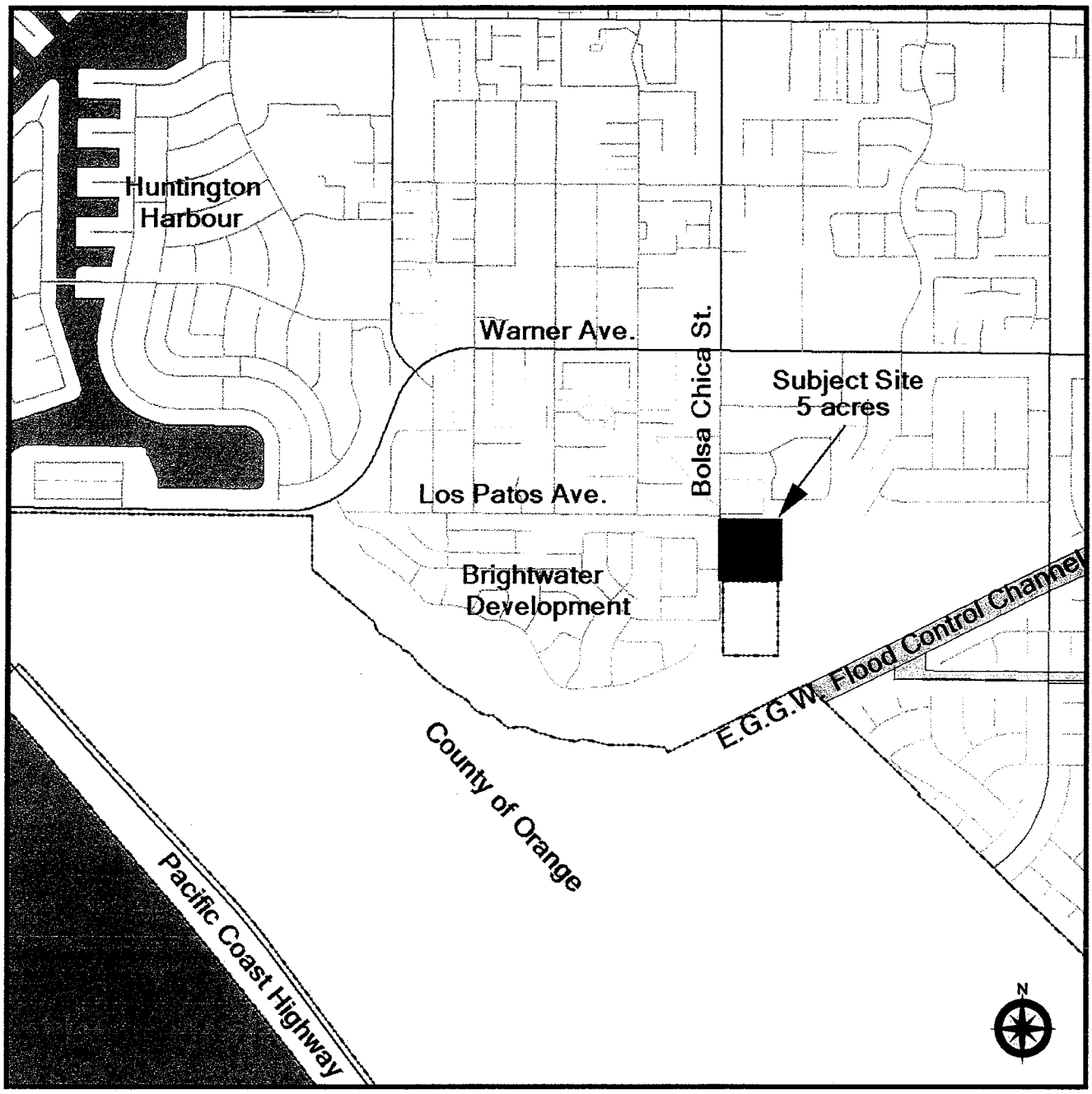
None.

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED) (i.e. permits, financing approval, or participating agreement):

- California Coastal Commission: The Local Coastal Program Amendment is required to be approved by the California Coastal Commission prior to any development of the site.

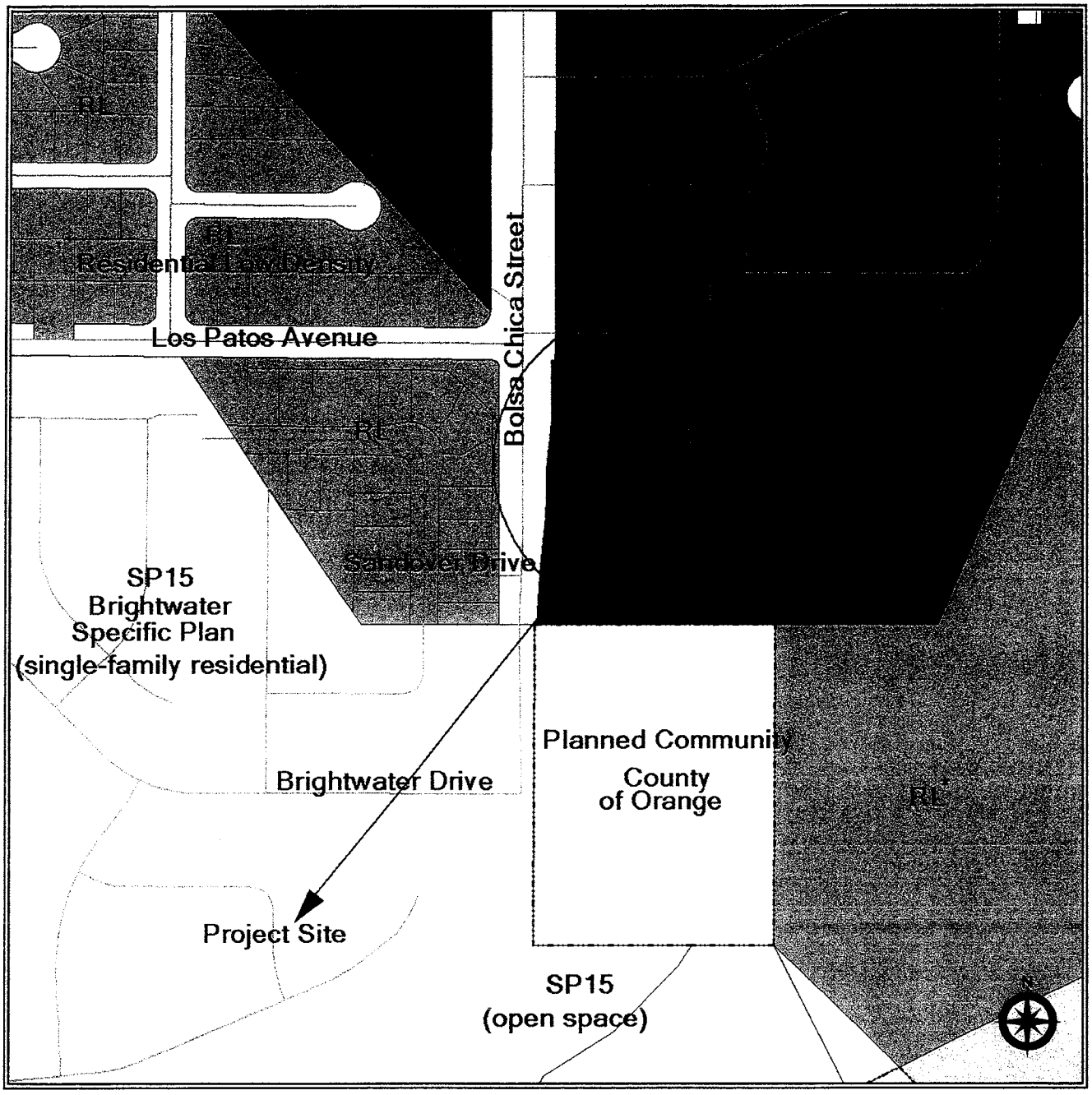
ATTACHMENT NO. 9.4

Figure 1 – Project Location



ATTACHMENT NO. 9.5

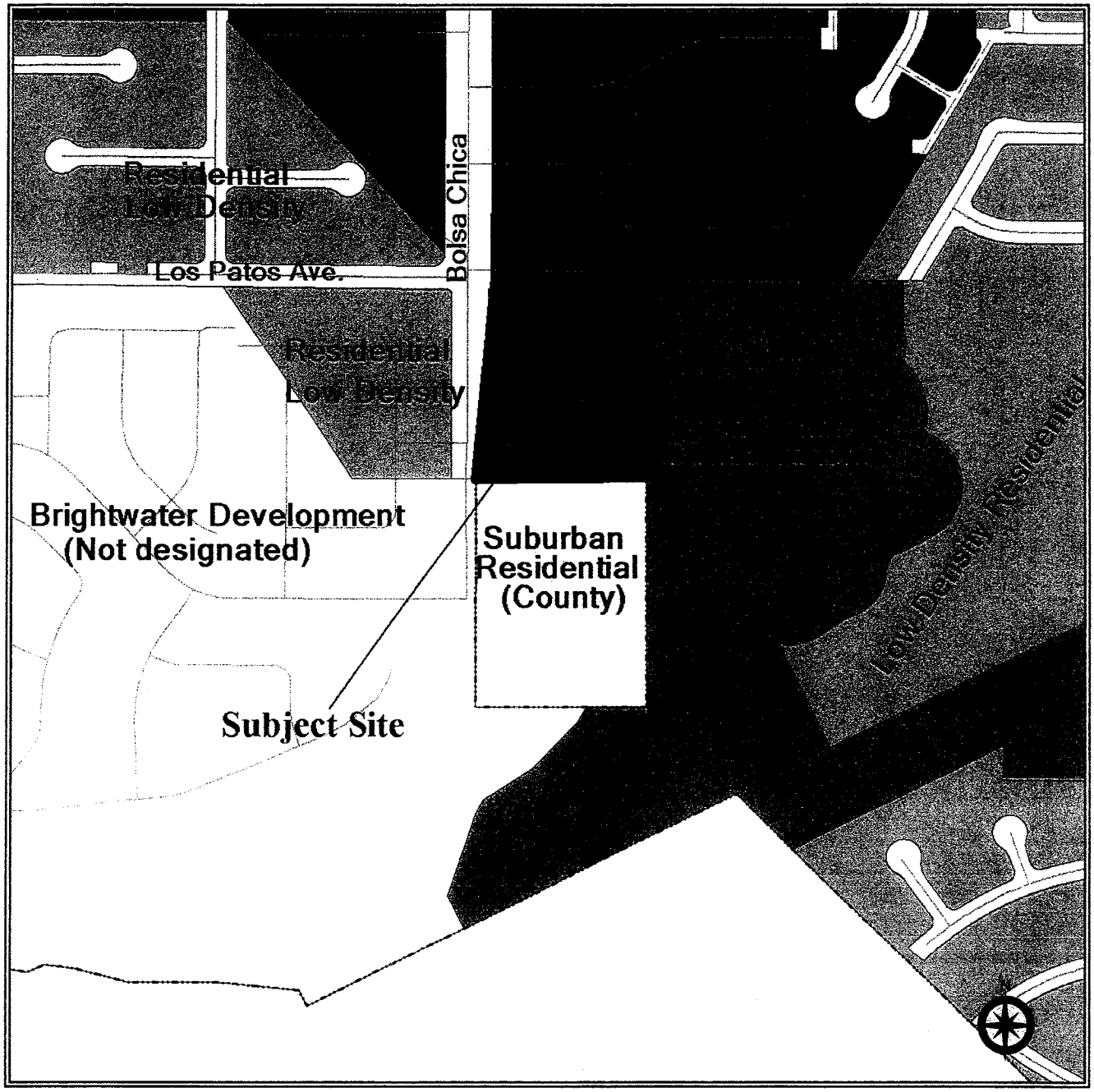
Figure 2 – Existing & Surrounding Zoning Designations



*The City recently approved a zoning map amendment to change the current zoning designations to CC – Coastal Conservation to be consistent with the Land Use Plan. The City's approval has been submitted to the California Coastal Commission for approval as LCPA No. 1-09.

ATTACHMENT NO. 9.6

Figure 3 – Existing & Surrounding Land Use Designations



ATTACHMENT NO. 9.7

Figure 4 – Surrounding Developments and Resources (with contours)

ATTACHMENT NO. 9.8

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.

☐ Land Use / Planning	☐ Transportation / Traffic	☐ Public Services
☐ Population / Housing	☒ Biological Resources	☐ Utilities / Service Systems
☐ Geology / Soils	☐ Mineral Resources	☐ Aesthetics
☐ Hydrology / Water Quality	☐ Hazards and Hazardous Materials	☒ Cultural Resources
☐ Air Quality	☐ Noise	☐ Recreation
☐ Agriculture Resources	☐ 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.** ☐

Signature — Date: 3-3-10

Jennifer Villaseñor — Printed Name

Associate Planner — Title

ATTACHMENT NO. 9.9

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.

7. 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.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers' information, a list of applicable standard conditions identified in the discussions has been provided as Attachment No. 3.

SAMPLE QUESTION:

ISSUES (and Supporting Information Sources):	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the proposal result in or expose people to potential impacts involving:				
Landslides? (Sources: 1, 6)	☐	☐	☐	☒
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).				

ATTACHMENT NO. 9.10

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

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:1,2,15,20) ☐ ☐ ☒ ☐

Discussion: The 5-acre project site is currently zoned RA-CZ (Residential Agriculture – Coastal Zone Overlay) and the General Plan Land Use designation is OS-P (Open Space – Parks). The site is undeveloped, although a portion of the property is currently used as a construction staging area for the adjacent Brightwater residential development. Applicable plans and policies regulating the subject site include the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Municipal Code, the Huntington Beach General Plan and the City's certified Local Coastal Program (LCP), which consists of the Coastal Element of the General Plan and an implementation program (IP). The Local Coastal Program carries out the policies and requirements of the California Coastal Act.

The project proposes to amend the RA-CZ zoning designation to RL-CZ (Residential Low Density – Coastal Zone Overlay). In addition, the project is proposing to amend the General Plan land use designation from OS-P to RL-7 (Residential Low Density – 7 dwelling units per acre).

Background

The subject property was originally zoned R-1 (Single-Family Residential) and the General Plan Land Use designation was Low Density Residential when it was incorporated into the City of Huntington Beach in the early 1970s. When the California Coastal Act was enacted in 1976, the City began steps to certify a Local Coastal Program with the California Coastal Commission in order to obtain coastal development permit jurisdiction. As part of this process, the City designated an 8-acre area on the eastern edge of the Bolsa Chica Mesa, which included the subject site as well as a portion of what is now the Shea property, for Open Space – Recreation on the 1982 Land Use Plan that was certified by the Coastal Commission. After the Land Use Plan was certified, the Coastal Commission required the City to zone the 8-acre area to a designation that would correspond to the Open Space – Recreation land use designation as part of its submittal of the Implementation Program of the LCP. In 1984, the City re-zoned the area from R1-CZ to RA-CZ, which was reflective of the agricultural uses on the property. In 1985, the Coastal Commission certified a County Land Use Plan for that portion of the Bolsa Chica Mesa adjacent to the 8-acre area within County jurisdiction with a land use designation of low density residential.

Zoning/Land Use Consistency

The proposed project, including the proposed zoning and general plan designations, would be consistent with surrounding land uses and existing surrounding zoning and land use designations. Properties to the north, northwest and west are zoned and developed with single- and mutli-family residential uses. The Shea property to the east has zoning and land use designations for single-family residential uses as well as open space/conservation areas. The Brightwater Specific Plan area southwest of the project site has a similar land use pattern with single-family residential uses and open space/conservation areas. Property to the south, **known as the Goodell property,** is currently located in the County of Orange and has a zoning designation of Planned Community (PC) and a General Plan land use designation of Suburban Residential. The City ~~is currently considering~~ **recently approved the** annexation of the **Goodell** property to the south. ~~Proposed~~ **In**

ATTACHMENT NO. 9.11

conjunction with the annexation, the City approved pre-zoning designations for the property **that** include residential and open space/conservation designations.

Although, the land use designation of the subject site is currently Open Space – Parks, the existing zoning designation allows development of single-family dwellings at a density of one unit per acre. Under the current zoning designation, five single-family dwellings could be developed on the site. The project is proposing to develop the site with the same uses that are currently allowed but at a greater density, which is consistent with the existing densities of surrounding developments.

The following Land Use goals, objectives and policies of the General Plan Coastal Element are applicable to the project:

Goal
C-1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective
C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policies
C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

C 1.1.5: New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.
b) provide non-automobile circulation such as bike trails and pedestrian walkways within the development
d) provide for the recreational needs of new residents through local park acquisition or on-site recreational facilities to assure that recreational needs of new residents will not overload nearby coastal recreation areas

The project, while proposing a change in the Land Use Plan from Open Space – Parks (OS-P) to Residential – Low Density (RL), would not conflict with the land use goals and policies of the Coastal Element of the General Plan. The project is proposing to improve an existing undeveloped 30-foot wide parcel north of the project site with an access trail that would connect to an existing informal path on the adjacent Shea property that would ultimately provide access to the flood control channel and the Bolsa Chica wetlands from Bolsa Chica Street. In addition to the improved coastal access the project would provide, a 5,776 square foot passive open space area is proposed within the development to provide a recreational area for new residents to ensure that the new residents would not overload coastal recreation areas. The project is in close proximity to similar

developments, is consistent with the existing land use pattern in the area, and can be accommodated by existing infrastructure (refer to Section XII. Utilities & Service Systems). Although the proposed project would result in development on the Bolsa Chica Mesa, the existing slope adjacent to the project site would be preserved. In addition, the proposed drainage system would further protect the slope from potential impacts from runoff and erosion that could occur from development on the Mesa (refer to Sections III. Geology and Soils & IV. Hydrology and Water Quality). Other potential impacts, as analyzed within this document, have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

HBZSO & Applicable Codes

In terms of compliance with the HBZSO (IP portion of LCP), the proposed project will comply with the requirements of the RL zoning district with exceptions that are proposed as part of the PUD design for the project. These exceptions include deviations to minimum lot width and size and are permissible with development of a PUD pursuant to the HBZSO. The proposed project is also required to comply with other requirements of the HBZSO including regulations pertaining to subdivisions and coastal development permits as well as applicable requirements of the Municipal Code.

Zoning Text Amendment

The project applicant is proposing a zoning text amendment that would change the PUD supplemental standards and provisions of Chapter 210.12 of the HBZSO to allow greater flexibility in the provision of parking spaces for a PUD development. The changes would not allow reductions in the number of parking spaces required for a project, but would allow the parking to be provided in an alternative configuration provided that the total number of parking spaces required is provided within the development site. Fo. instance, the proposed project is providing the required number of parking spaces for the dwelling units, however, the spaces are proposed in a tandem configuration that is not currently allowed under Chapter 231 – Off-Street Parking and Loading of the HBZSO. Of the 22 units, 10 are proposing to provide a required three-car garage with a tandem configuration for two of the spaces. For these 10 units, three open spaces are required, in which one of the required open spaces is proposed to be met through the available street parking.

The proposed zoning text amendment is appropriate for inclusion in the PUD supplemental standards since PUDs by nature allow for flexibility in land use regulations so that a more distinct development can be provided with a greater emphasis on public benefits. Additionally, the proposed zoning text amendment will be consistent with the following General Plan goals, policies and objectives:

Goal

LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective

LU 9.3: Provide for the development of new residential subdivisions and projects that incorporate a diversity of uses and are configured to establish a distinct sense of neighborhood and identity.

Policy

LU 9.3.2: Require that the design of new residential subdivisions consider the following:

b. Integrate public squares, mini-parks or other landscaped elements.
h. Site and design of units and incorporate elements, such as porches, that emphasize front yards as an activity area and "outdoor living room," by located garages in the rear or side yards.
i. Consider reduced street widths to achieve a more "intimate" relationship between structures, to

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

the extent feasible and in accordance with Huntington Beach Fire Department regulations.

k. Include alleys or other means to minimize the dominance of garages along the street frontage.

The proposed zoning text amendment would be beneficial for future PUD developments in terms of consistency with the General Plan in that a project's site layout and design could achieve a more diverse development configuration, provide more open space and propose more distinct features with the flexibility that the proposed amendment would provide. The ability to provide a three-car garage in a tandem configuration would allow for a more compact or "intimate" development pattern, which would allow for more area for open space or other unique development features such as a trail, plaza or community center. The proposed amendment would also reduce a project's potential for garages to dominate the street frontage, which then could allow for front yards to have more of an emphasis as an activity area with landscaping and porch elements. In terms of the proposed project, the tandem garage design would allow for a more aesthetic design in which garages do not dominate the street scene. The proposed tandem garage design promotes the overall project site layout with narrow lot widths and smaller lot sizes that are configured around a large open space area. The proposed amendment also furthers the project's "green" design theme in that less impervious surface is required with the proposed garage and parking design.

Based on the discussion above, the project will not conflict with applicable land use plans and regulations in the City of Huntington Beach and impacts would be less than significant.

b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources:1) Discussion: See discussion below.	☐	☐	☐	☒
c) Physically divide an established community? (Sources:3)	☐	☐	☒	☐

Discussion b & c: The project site is currently vacant and proposed to be subdivided for the construction of 22 single-family residences. A new street would be constructed as part of the project to provide access to the new homes. The project will take access from Bolsa Chica Street, an existing major arterial in the City of Huntington Beach. Although a new street will be constructed, the project does not propose to cut off existing access to or from any existing or approved developments in the area such that it would physically divide an established community. In addition, the project is proposing to provide a link, via a 30-foot wide landscaped path, to connect Bolsa Chica Street at Los Patos Avenue to the Bolsa Chica wetlands. The project will not conflict with a habitat conservation plan or natural community conservation plan as there are not any adopted for the City of Huntington Beach.

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:1,18) Discussion: See discussion under c.	☐	☐	☒	☐

ATTACHMENT NO. 9.14

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources:1,18) Discussion: See discussion under c.	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:1,18)	☐	☐	☐	☒

Discussion a – c: The site is currently vacant; no existing homes or residents will be demolished or displaced. The project consists of a 22-unit single-family planned unit development and would not induce substantial population growth in the City of Huntington Beach. The 2008 Housing Element indicates that the average household size in Huntington Beach is 2.56 persons, which would result in potentially 57 new residents in the City. This represents 0.03% of the total population of Huntington Beach, which would not be considered substantial population growth. The proposed zoning text amendment will not have any impacts on population and housing.

The RA zoning district permits single-family dwellings at a ratio of one unit per acre whereas the RL designation allows seven units per acre. The subject project is proposing a density of 6.4 units per net acre (4.4 units/gross acre). Although, the proposed project represents an increase in allowable units and density than what is currently allowed, the proposed residential development on the project site would not result in substantial population growth in the context of allowed General Plan growth, nor in combination with anticipated and planned growth as identified in the City's 2008 Housing Element. In addition, the project will be required to comply with the City's affordable housing ordinance, which requires the provision of 10 percent of the total units to be affordable or payment of in-lieu fees. Less than significant impacts would occur.

III. 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:1,5,7,14) Discussion: See discussion under iv.	☐	☐	☒	☐
ii) Strong seismic ground shaking? (Sources: 1,5,7,14) Discussion: See discussion under iv.	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Sources: 1,5,7,14)	☐	☐	☒	☐

ATTACHMENT NO. 9.15

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: See discussion under iv.

iv) Landslides? (Sources: 1,5,7,14) ☐ ☐ ☒ ☐

Discussion a.i. – iv.: The subject site is currently undeveloped except for a portion of the site that is used for construction headquarters for the adjacent and under construction Brightwater development. The site is not located within an Earthquake Fault Zone and no known or potentially active faults cross the site. The nearest known active fault is the Newport-Inglewood fault located approximately 2,000 feet southwest of the project site. The site is not located within a Seismic Hazard Zone for earthquake induced slope instability or liquefaction. However, the site is adjacent to a Seismic Hazard Zone for earthquake-induced liquefaction. In the event of a large earthquake at the nearby Newport-Inglewood fault, the site would experience significant ground shaking.

A geotechnical feasibility study (LGC, 2008) for the project states that the project site consists of loose to dense, brown to orange-brown sands, gravels and cobbles and soft to medium-stiff, brown and grey-brown silts and sandy clays. It is anticipated that these materials are overlain by varying thickness of topsoil and colluvial materials. Historic high groundwater levels in the vicinity of the subject site have been reported at 20 feet below the ground surface. Potential for liquefaction is anticipated to be low due to the lack of shallow groundwater conditions and the anticipated dense nature of the site soils. However, due to the proximity of the project site to a Seismic Hazard Zone for potential liquefaction, further subsurface testing on the project site will be conducted prior to preparation of construction and grading plans. The report indicates that it is anticipated that the site soils have very-low to medium expansion potential and negligible potential for concrete and metal corrosion. The proposed zoning text amendment will not have any impacts on geology and soils.

The proposed development would be required to comply with the California Building Code (CBC), which includes regulations for projects to be designed to withstand seismic forces. In addition, the project is required to prepare a site specific geotechnical investigation, including subsurface exploration and laboratory testing, to further evaluate the nature and engineering characteristics of the underlying soils. The report will provide recommendations for the design and construction of the project, including recommendations to address liquefaction potential. Adherence to the seismic design and construction parameters of the CBC, the City's Municipal Code and recommendations outlined in a site specific geotechnical investigation, would ensure protection of future residents of the project from impacts associated with seismic activity. Less than significant impacts would occur.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1,5,7,14) ☐ ☐ ☒ ☐
Discussion: See discussion under item e.

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: 1,5,7,14) ☐ ☐ ☒ ☐
Discussion: See discussion under item e.

ATTACHMENT NO. 9.16

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1,5,7,14) Discussion: See discussion under item e.	☐	☐	☒	☐
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 wastewater (Sources: 1,5,7,14)	☐	☐	☒	☐

Discussion b - e: The project site is located on the Bolsa Chica Mesa. Although the project site is generally flat, portions of the site slope gradually from west to east at elevations ranging from approximately 50 feet above mean sea level (msl) to approximately 38 feet msl. Finished pads on the west side of the project site, adjacent to Bolsa Chica Street, would remain relatively the same as the existing elevation. The eastern portion of the site adjacent to the Shea property would be raised three to nine feet over existing elevations requiring approximately 4,200 cubic yards of cut and 10,700 cubic yards of fill. Approximately 6,500 cubic yards of fill would need to be imported. According to the Geotechnical Feasibility Study (LGC, 2008), over-excavation and recompaction of near surface soils is anticipated to occur during site preparation and grading. Based on other projects in the vicinity, it is anticipated that the depth of over-excavation would not exceed five to 10 feet. According to the geotechnical feasibility study, the on-site soils are considered generally suitable for use as compacted fill and support the planned improvements, including the proposed drainage system. However, a site-specific geotechnical subsurface investigation will further evaluate the underlying soils and provide design recommendations to be implemented with the project.

The project proposes to develop on a currently undeveloped site and would increase the potential for on-site and off-site erosion. Off-site erosion could occur if stormwater were conveyed over the adjacent slope. However, the project is proposing to direct dry weather and low volume storm flows into a planned catch basin that would allow the water to infiltrate back into the ground. Large volume storm flows are proposed to be directed into the existing storm drain in Bolsa Chica Street, which flows into a concrete vault that treats the water before discharging. In addition, the project is required to prepare an erosion control plan subject to review by the Public Works Department.

Earth-disturbing activities associated with construction would be temporary. The State Water Resources Control Board and the City's Municipal Code require erosion and sediment controls for construction projects with land disturbance. The requirements include preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), with construction-period and erosion and sediment controls; preparation and implementation of an erosion and sediment control plan, describing both construction-period and permanent erosion and sediment controls; and construction site inspection by the City. The project is subject to the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB). The project applicant must submit a Notice of Intent (NOI) to the SWRCB for coverage under the Statewide General Construction Activity Stormwater Permit and must comply with all applicable requirements, including the preparation of a SWPPP, applicable NPDES Regulations, and best management practices (BMPs). The SWPPP must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls.

ATTACHMENT NO. 9.17

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

The site has a low to moderate potential for expansive soils. The project is required to comply with Section 1802.2.2 Expansive Soils, of the City's Municipal Code and Title 17 Excavation and Grading Code, in addition to implementing the recommendations of the geotechnical investigation to address potential impacts from expansive soils. In addition, the existing sewer system, constructed in 2006 for the Brightwater Development, would accommodate the proposed project and as such, the project would not require an alternative wastewater disposal system.

Compliance with all applicable codes and requirements, in addition to implementation of site-specific recommendations of a required geotechnical investigation, would ensure less than significant impacts would occur.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
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: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
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: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
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 which would result in flooding on or off-site? (Sources: 1,3,4,8)	☐	☐	☒	☐

ATTACHMENT NO. 9, 18

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Discussion: See discussion under p.				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1,3,4,8)	☐	☐	☒	☐
Discussion: See discussion under p.				
f) Otherwise substantially degrade water quality? (Sources: 1,3,4,8)	☐	☐	☒	☐
Discussion: See discussion under p.				
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: 1,3,4,8)	☐	☐	☐	☒
Discussion: See discussion under j.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 1,3,4,8)	☐	☐	☐	☒
Discussion: See discussion under j.				
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: 1,3,4,8)	☐	☐	☐	☒
Discussion: See discussion under j.				
j) Inundation by seiche, tsunami, or mudflow? (Sources: 1,3,4,8)	☐	☐	☐	☒

ATTACHMENT NO. 9.19

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion g – j: The proposed project site is designated as Flood Zone X in the Flood Insurance Rate Map (FIRM), which is not subject to Federal Flood Development restrictions. The project site is not situated within the 100-year flood hazard area as mapped in the FIRM. The elevation of the site above mean sea level (ranging from 38' – 50') and insulation provided by the inner Bolsa Bay suggest that the probability of experiencing adverse effects from tsunamis and seiches is low at the site. Furthermore, the General Plan Environmental Hazards Element does not identify the subject site within a tsunami run-up area. No impacts would occur.

k) Potentially impact stormwater runoff from construction activities? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
l) Potentially impact stormwater runoff from post-construction activities? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
m) Result in a potential for discharge of stormwater 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? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources: 1,3,4,8) Discussion: See discussion under p.	☐	☐	☒	☐
p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: 1,3,4,8)	☐	☐	☒	☐

ATTACHMENT NO. 9.20

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion a – f & k – p: The approximately 5-acre project site is currently undeveloped. A portion of the site is currently used for construction staging headquarters for the adjacent Brightwater development. The project proposes construction of a 22 unit single-family planned unit development and associated site improvements, which include infrastructure and street improvements, a 5,776 square foot open space area and a dry weather and low stormwater flow retention/infiltration system. The project site is located on the Bolsa Chica Mesa. Water bodies in the vicinity of the project site include the Bolsa Chica wetlands and the East Garden Grove – Wintersburg Channel. The project does not propose to alter the course of an existing stream or river. After construction, the project site would consist of approximately 51% landscaped area, 3% porous pavement and 46% impervious surface. The project does have the potential to increase runoff rate and volume during construction and post-construction, which could impact water quality. The proposed zoning text amendment will not have any impacts on hydrology and water quality.

Water quality standards and waste discharge requirements will be addressed in the project design and development phase pursuant to a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), prepared by a Civil or Environmental Engineer in accordance with the National Pollution Discharge Elimination System (NPDES) regulations and approved by the City of Huntington Beach Department of Public Works.

Construction Runoff and Erosion

The State Water Resources Control Board and the City's Municipal Code require erosion and sediment controls for construction projects with land disturbance. The requirements include preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), with construction-period and erosion and sediment controls; preparation and implementation of an erosion and sediment control plan, describing both construction-period and permanent erosion and sediment controls; and construction site inspection by the City. The project is subject to the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB). The project applicant must submit a Notice of Intent (NOI) to the SWRCB for coverage under the Statewide General Construction Activity Stormwater Permit and must comply with all applicable requirements, including the preparation of a SWPPP, applicable NPDES Regulations, and best management practices (BMP). The SWPPP must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Implementation of a SWPPP and applicable City and SWRCB requirements would ensure that runoff from construction of the project will not result in substantial erosion or flooding on- and off-site and impacts would be less than significant.

Post-construction Runoff and Erosion

The proposed storm drain system for the project incorporates a continuous deflection system (CDS) unit to treat stormwater flows as well as a manhole diversion structure designed to divert the "first flush" storm water runoff and dry weather nuisance flows to the proposed open space area where it will be infiltrated into the ground through a corrugated metal pipe retention system. Surface runoff will flow to catch basins connected to the CDS unit, which will function to remove debris, sediment, oil and grease from the street runoff prior to infiltration into the ground. In addition, porous pavers proposed in the driveways and on-street parking areas will intercept nuisance flows and "first flush" stormwater runoff and pre-treat the runoff prior to retention and infiltration. In addition to capturing runoff, the proposed drainage system would also facilitate water quality enhancement through removal of dissolved nutrients, bacteria and sediment through the soil's natural filtering ability as well as act as a groundwater recharge system. Larger storm flows are proposed to bypass the retention system and flow into an existing privately owned 24-inch reinforced concrete pipe in Bolsa Chica Street, which would be treated and ultimately discharged into the Bolsa Chica Wetlands.

ATTACHMENT NO. 9.21

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

In addition, the project is required to submit a Water Quality Management Plan (WQMP) for post-construction compliance with water quality standards and water discharge requirements subject to review and approval by the Department of Public Works. A preliminary WQMP identifies Routine Source Control and Structural BMPs as well as Site Design BMPs to be incorporated into the project.

Although the project does have the potential to contribute additional runoff, which may create other impacts such as flooding, erosion and increased demand on the existing storm drain system, the project's proposed storm drain system would limit the amount of post-construction runoff to ensure that impacts would be less than significant. The proposed storm drain system would function to recharge groundwater thereby limiting the amount of low volume storm flows and dry weather flows that enter the storm drain system. In addition, runoff water from larger volume storm flows would be pre-treated prior to entering the storm drain system, which would limit the amount of polluted runoff that is ultimately discharged into the Bolsa Chica Wetlands during larger storm events. As such, the project, as designed and with implementation of a WQMP, would not result in substantial increases in the rate and volume of post construction runoff, which would impact the beneficial use of downstream waters. Finally, the proposed storm drain system would serve to protect the adjacent slope from runoff that could cause environmental harm to the slope and sensitive resources below the slope. Less than significant impacts would occur.

Due to the relatively small size of the proposed residential project, the potential to substantially deplete groundwater supplies is minimal. Also, as discussed above, the project's retention/infiltration system would function to recharge the groundwater supply. Therefore, impacts to groundwater would be less than significant.

The project's design as well as required SWPPP, WQMP and hydrology and hydraulic studies, to be submitted in accordance with City of Huntington Beach standard development requirements, will identify project design features and BMPs for ensuring no significant impacts associated with polluted runoff and erosion would occur. In addition, the project design and drainage system would function to treat water, which would then recharge the groundwater supply (for dry weather and "first flush" flows) or discharge into downstream waters (larger volume storm flows). As such, impacts to water quality would be less than significant.

ATTACHMENT NO. 9.22

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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:1,9,16) Discussion: See discussion under e.	☐	☐	☒	☐
b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1,9,16) Discussion: See discussion under e.	☐	☐	☒	☐
c) Create objectionable odors affecting a substantial number of people? (Sources: 1,9,16) Discussion: See discussion under e.	☐	☐	☒	☐
d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1,9,16) Discussion: See discussion under e.	☐	☐	☒	☐
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: 1,9,16)	☐	☐	☒	☐

ATTACHMENT NO. 9.23

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion a – e: The proposed project consists of the subdivision of an approximately 5-acre parcel for the development of 22-single-family homes and associated site improvements. The City of Huntington Beach is located within the South Coast Air Basin, which is regulated by the South Coast Air Quality Management District (SCAQMD). The entire Basin is designated as a national-level nonattainment area for Ozone, Carbon Monoxide (CO), respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). The Basin is also a State-level nonattainment area for Ozone, PM_{10} and $PM_{2.5}$. Sensitive receptors in the area include residents in nearby developments to the north and west. **The nearest sensitive receptors would be residents of the multi-family residential area north of the project site approximately 40 feet from the project site boundary.** The proposed zoning text amendment will not have any impacts on air quality.

Impacts from objectionable odors could potentially occur during construction of the project. However, impacts would be intermittent and short-term and would not persist once construction was completed. Residential uses in general are not sources of objectionable odors. Potential odors would be limited to typical household wastes, which are stored in refuse containers and picked up on a weekly basis. As such, impacts from odors would be less than significant.

The 2007 Air Quality Management Plan (AQMP) is the region's applicable air quality plan and was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under jurisdiction of the SCAQMD, to return clean air to the region, and minimize the impact on the economy. Projects that are considered to be consistent with the General Plan are considered to be consistent with the AQMP. Although the proposed project is proposing a general plan amendment to change the land use designation, the growth in population size and number of housing units as a result of the project is consistent with the growth accounted for in the General Plan (refer to discussion under Section II. Population and Housing). Therefore, the proposed project would not conflict with the AQMP and impacts would be less than significant.

Short-term: The construction of the project may result in short-term air pollutant emissions from the following activities: the commute of workers to and from the project site; grading activities, delivery and hauling of construction materials and supplies to and from the project site; fuel combustion by on-site construction equipment; and dust generating activities from soil disturbance. Emissions during construction were calculated using URBEMIS2007 program (version 9.2.4). The allotment of equipment to be utilized during each phase was based on defaults in the URBEMIS2007 program and was modified as needed to represent the specifics of the proposed project. **In addition, the emissions estimate assumes that the appropriate dust control measures would be implemented during each phase as required by SCAQMD Rule 403 – *Fugitive Dust* and that all other appropriate mitigation such as, but not limited to, routine equipment maintenance, frequent watering of the site and use of low VOC coatings has been used.**

The URBEMIS model calculates total emissions, on-site and offsite, resulting from each construction activity which are compared to the SCAQMD Regional Thresholds. A comparison of the project's total emission with the regional thresholds is provided below. A project with daily construction emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

ATTACHMENT NO. 9.24

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM_{10}	$PM_{2.5}$	SO_2
Estimated Construction Emissions for proposed project	~~14.90~~ **14.73**	~~21.72~~ **26.22**	25.05	~~26.26~~ **4.06**	~~6.37~~ **1.74**	0.01
Significance Threshold	550	75	100	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the aforementioned table construction of the project would not exceed the regional emissions thresholds nor would it expose sensitive receptors to substantial pollutant concentrations. Therefore, a less than significant impact is anticipated.

Localized Significance Thresholds

Localized Significance Thresholds (LSTs) represent the maximum emissions from a project that are not expected to cause or contribute to an exceedence of the most stringent applicable federal or state ambient air quality standard and are applicable to the following criteria pollutants: NO_x, CO, PM_{10}, and $PM_{2.5}$. LSTs are developed based on the ambient concentrations of a pollutant for each source receptor area and the distance to the nearest sensitive receptor to determine a project's localized air quality impacts. The SCAQMD has developed LSTs for projects 5 acres or less in total area. The City of Huntington Beach is in the North Coastal Orange County source receptor area. Although the use of LSTs is voluntary, the proposed project's localized emissions from construction are shown in the table below.

	Localized Significance Threshold (Lbs/day)			
	CO	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Significance Threshold	**1,711**	**197**	**14**	**9**
Estimated Construction Emissions for proposed project	**14.73**	**25.05**	**4.06**	**1.74**
Exceed Threshold?	**NO**	**NO**	**NO**	**NO**

Based on the table above construction of the project would not exceed the localized significance thresholds nor would it expose sensitive receptors to substantial pollutant concentrations. Therefore, a less than significant impact is anticipated.

Long-term: Post-construction emissions were also calculated using the URBEMIS2007 program version (9.4.2). The program was set to calculate emissions for the proposed 22-unit single-family development. The default URBEMIS2007 variables were used for the calculations.

ATTACHMENT NO. 9.25

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM_{10}	$PM_{2.5}$	SO_2
Estimated project Emissions for proposed project	19.94	2.93	2.21	3.45	0.67	0.02
Significance Threshold	550	55	55	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the aforementioned table post-construction emissions from the proposed project would not exceed the regional thresholds nor would it expose sensitive receptors to substantial pollutant concentrations. Therefore, a less than significant impact is anticipated.

In addition, the project does not come close to exceeding established thresholds for any pollutant including the identified nonattainment pollutants (Ozone, CO, PM_{10} and $PM_{2.5}$) and ozone precursors (NO_X and VOC) both for construction and post-construction and therefore, would not contribute a cumulatively considerable increase in these pollutants.

Greenhouse Gases

AB 32 codifies the state's goal to reduce its global warming by requiring that the state's greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on greenhouse gas emissions that will be phased in starting in 2012. In order to effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop appropriate regulations and establish a mandatory reporting system to track and monitor greenhouse gas emissions levels. **In addition, the Natural Resources Agency recently adopted amendments to the CEQA guidelines (effective March 18, 2010) that require an evaluation and determination of the significance of a project's greenhouse gas emissions. The amendments require the lead agency to make a good faith effort in describing, calculating or estimating the amount of greenhouse gas emissions resulting from a project using qualitative and/or quantitative analyses and methodologies.** ~~State Office of Planning and Research (OPR) has until January 1, 2010 to adopt CEQA guidelines for evaluation of greenhouses gases. A draft of the proposed amendments to the CEQA guidelines was released in April 2009 and states that a local agency must develop its own significance criteria based on local conditions, data and guidance from other sources.~~

The proposed project would result in a total of approximately 350.75 tons of CO_2 emissions during construction. Post-construction CO_2 emissions would be approximately 447.57 tons/year. Therefore, the project would produce GHG emissions. Other GHG emissions could result from increases in electricity and natural gas usage and solid waste production, all of which would occur with the proposed project. Although, the amount of post-construction GHG emissions from the project (447.57 tons/yr) represents a negligible percentage of the overall state of California GHG emissions (484,400,000 tons/yr - 2004), since there are no adopted thresholds of significance established yet, any contribution of GHG emissions can be considered **cumulatively** significant. **However, due to the project's small incremental contribution to GHG emissions in addition to reduction measures described below, the project's incremental cumulative contribution would be less than significant.**

ATTACHMENT NO. 9.26

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

The proposed project would be the City's first "green" residential project and as such, incorporates design features that promote energy efficiency and a reduction in GHG emissions, both directly and indirectly. For instance, the project is proposing to utilize Energy Star-rated products in all of the units, a storm drain system designed to capture low-volume flows and allow them to percolate into the ground thereby reducing the amount of water that enters the storm drain system, drought tolerant landscaping, solar roof panels and pervious surfaces for driveways and portions of the street. In addition, the project is required to comply with all applicable City codes and requirements pertaining to energy efficiency and water use efficiency as well as applicable requirements for construction equipment that would limit truck and equipment idling times, exhaust and dust. The identified project design features and applicable requirements are consistent with the GHG reduction strategies recommended by the California Climate Action Team (CCAT), the California Air Pollution Control Officers Association (CAPCOA) and the California Attorney General's office. Therefore, ~~due to the project's small contribution to GHG emissions in addition to project design features that would reduce GHG emissions, the project's~~ impacts would be less than significant.

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:1,11,18) Discussion: See discussion under g.	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: 1,11,18) Discussion: See discussion under g.	☐	☐	☒	☐
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: 1,11,18) Discussion: See discussion under g.	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: 1,11,18) Discussion: See discussion under g.	☐	☐	☒	☐

ATTACHMENT NO. 9.27

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? (Sources: 1,11,18)	☐	☐	☒	☐
Discussion: See discussion under g.				
f) Result in inadequate parking capacity? (Sources: 1,11,18)	☐	☐	☒	☐
Discussion: See discussion under g.				
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1,11,18)	☐	☐	☐	☒

Discussion a –g: The proposed project is a 22-unit single-family subdivision with associated site improvements. The proposed street configuration is a typical single-family residential street with on-street parking and one travel lane in each direction. The surface for the on-street parking is proposed to have permeable pavers and the street surface would consist of concrete pavers. Existing intersections near the project site include Bolsa Chica Street and Warner Avenue, Warner Avenue and Algonquin Street and Pacific Coast Highway and Warner Avenue. According to the Department of Public Works – Transportation Division, the intersection of Warner Avenue and Pacific Coast Highway is currently experiencing capacity issues. A draft General Plan Circulation Element Update indicates that future intersection capacity improvements will be needed at this intersection. The intersections at Bolsa Chica Street and Warner Avenue and Warner Avenue and Algonquin Street are both operating at acceptable levels based on City standard criteria.

The proposed development will generate an average 264 new daily vehicle trips, of which 17 will occur in the AM peak hour and 22 in the PM peak hour. The intersections of Bolsa Chica Street and Warner Avenue and Algonquin Street and Warner Avenue were evaluated for traffic impacts. The results of the evaluation are summarized in the following tables:

Existing Intersection Capacity Utilization (ICU) and Level of Service (LOS)

Intersection	AM Peak Hour– ICU	LOS	PM Peak Hour– ICU	LOS
Warner/Bolsa Chica	0.73	C	0.71	C
Warner/Algonquin	0.48	A	0.56	A

Project Intersection Capacity Utilization (ICU) and LOS

Intersection	AM Peak Hour– ICU	LOS	PM Peak Hour– ICU	LOS
Warner/Bolsa Chica	0.73	C	0.71	C
Warner/Algonquin	0.48	A	0.56	A

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

No changes in existing intersection capacity utilization (ICU) or level of service (LOS) would occur at either of the intersections with the proposed project. The intersection of Warner Avenue and Pacific Coast Highway is a Caltrans intersection and was not evaluated using City of Huntington Beach criteria. However, given that the two closest signalized intersections would not result in changes to existing intersection operations, similarly, it is expected that no changes in LOS or ICU from the project would occur at the intersection of Warner Avenue and Pacific Coast Highway. Less than significant impacts would occur.

Construction related traffic may have an impact on existing parking, vehicle circulation, and pedestrians by construction vehicles along side, entering, or exiting the project site. Specifically, grading of the site would require approximately 464 truck trips to import the required amount of fill soil for the project. These trips would occur during the grading phase which would be approximately 20 days. As a result, vehicle delays may result along Bolsa Chica Street adjacent to the project site. However, impacts would be temporary and would not impact a large number of surrounding residential uses since the project site is located at the terminus of Los Patos Avenue and near the terminus of Bolsa Chica Street. These potential impacts would be reduced through implementation of code requirements requiring Department of Public Works approval of a construction traffic control plan.

The project is proposing to provide a two- or three-car garage for each dwelling unit in accordance with the provisions of Chapter 231 – Off-Street Parking and Loading of the HBZSO. Of the 22 units, 10 are proposing to provide a required three-car garage with a tandem configuration for two of the spaces. For these 10 units, three open spaces are required, in which one of the required open spaces is proposed to be met through the available street parking. The total number of parking spaces required for the project is provided within the development site in addition to 13 additional on-street parking spaces. As such, the proposed project will no result in significant impacts due to inadequate parking capacity.

The proposed text amendment to the HBZSO would not result in inadequate parking capacity for future PUD developments since the changes do not allow reductions in the overall number of required parking spaces that would be required for a project. In addition, any alternative parking configuration proposed in a future PUD project would be analyzed as part of the development review process for that particular subdivision and any other required entitlements. Less than significant impacts would occur.

The proposed site access and street configuration does not propose privacy gates, sharp curves or dangerous intersections and is designed to comply with City standards. In addition, the project has been reviewed by the Huntington Beach Fire Department for adequate access and is required to comply with City Specification 401, *Minimum Standards for Fire Apparatus Access*. As such, the project would not result in inadequate emergency access. The project does not require bicycle racks since it is a single-family development and would not conflict with policies supporting alternative transportation. Less than significant impacts would occur.

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 or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S, Fish and Wildlife Service? (Sources:1,18, 21, 23)	☐	☒	☐	☐

ATTACHMENT NO. 9.29

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Discussion: See discussion under item f.				
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: 1,18)	☐	☐	☒	☐
Discussion: See discussion under item f.				
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: 1,18, 21, 23)	☐	☐	☒	☐
Discussion: See discussion under item f.				
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: 1,18)	☐	☐	☒	☐
Discussion: See discussion under item f.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1,18)	☐	☐	☐	☒
Discussion: See discussion under item f.				
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: 1,18)	☐	☐	☐	☒

Discussion a – f: The approximately five acre project site is currently undeveloped except for a portion of the property that is used for construction headquarters for the adjacent Brightwater development, which is under construction. Historically, the site has been used periodically for agricultural purposes but has never been developed. ~~There are no trees or sensitive vegetation existing on the site that would provide habitat for sensitive species or serve in part as a migratory corridor for wildlife or avian species. Sensitive biological resources occur and have the potential to occur on adjacent properties to the east and south. However, the~~

ATTACHMENT NO. 9.30

~~proposed project would not impact any sensitive biological resource on adjacent properties.~~ A designated wetlands area is located approximately 200 feet east of the subject property at the closest point. The subject property is entirely outside of the required buffer area for the adjacent wetlands designation. To the east of the proposed project on the Shea property is a stand of eucalyptus trees that have been determined by the California Coastal Commission to be an environmentally sensitive habitat area (ESHA) because of their value to raptors for nesting and perching.

In January 2010, a biological resources assessment was prepared by LSA, Inc., for the 5-acre subject property. According to the report, the site consists of two types of habitat: approximately 3.2 acres of fallow agricultural land and 1.5 acres of barren land (gravel). The following discussion on the project's potential impacts to biological resources is based on the Biological Resources Assessment, which was also peer reviewed by SWCA Environmental Consultants in February 2010. SWCA verified that the information in the report was accurate and agreed with the conclusions of the report.

Existing Plant Species
The 1.5-acre gravel area was found to be barren with nearly no vegetation other than a few tumble mustard and dwarf nettle individuals. The most common species observed in the 3.2-acre agricultural area included amaranthus, lamb's quarters, nettle-leaved goosefoot, Italian thistle, common horseweed and shortpod mustard.

Existing Wildlife Species
Several wildlife species commonly associated with ruderal habitat types have been observed within the project site. In 2009, one reptile, 40 bird and four mammal species were observed or detected within the project site. Birds regularly using the site include mourning dove, Anna's hummingbird, black phoebe, California towhee, western meadowlark and house finch. Migrant species include Cassin's kingbird, yellow-rumped warbler, Savannah sparrow and white-crowned sparrow. Common mammals include the California ground squirrel, Botta's pocket gopher, Audubon's cottontail and coyote. The western fence lizard has also been observed on the project site.

Although regular use of the surrounding area by raptors is well documented, little activity within the project site itself has been documented. Due to the small mammal populations that occur on the site, it is likely that there is occasional raptor foraging. However, raptor activity would be limited to foraging from the air since there are no structures or vegetation for perching or nesting within the project site.

Special Status Species
Plants
There is only one special-status plant species, Southern tarplant, with a moderate to high probability of occurring on the project site. Scattered Southern tarplant populations have been found on the Bolsa Chica Mesa including the Goodell property immediately south of the project site. Because Southern tarplant is tolerant of and favors disturbed growing conditions, small numbers could occur on the project site. However, according to the LSA Biological Resources Assessment, soil conditions are marginal and unlikely to support a substantial population of the species. Even though the presence of Southern tarplant on the project site is unlikely, a pre-construction survey is necessary to ensure that potential impacts to Southern tarplant will be less than significant. The following mitigation measure is recommended:

BIO-1: Prior to construction-related ground disturbing activity, a qualified biologist shall survey the project site for presence of Southern tarplant during the appropriate blooming period, May – November. If

ATTACHMENT NO. 9.31

feasible, the survey shall be conducted during the peak blooming period for the year. Any substantial occurrence (at least 500 mature individuals) shall be preserved on-site or relocated to open space areas in the Bolsa Chica area. If relocation is required, a Southern tarplant relocation program shall be prepared by a qualified biologist and implemented prior to the onset of construction.

Animals

One butterfly and two avian special status species have been found on the project site. However, several additional species are known to occur in the vicinity of the project site and, as such, may occur on the project site. These species include the monarch butterfly, which is primarily found among the off-site eucalytpus trees, and the white-tailed kite, Cooper's hawk, Allen's hummingbird, coastal California gnatcatcher and Belding's Savannah sparrow, all of which have nested in the vicinity of the project site. Most of the special-status species have a low probability of occurring on the project site. However, some have moderate to high potential for occurring or were observed within or adjacent to the project area. Habitat within the project site is relatively small and marginal in quality for most of these species. In addition, nearly all of the special status species that may occur within the project area primarily utilize urban development for nesting and foraging or the off-site eucalyptus ESHA or pickleweed salt marsh. Both of these habitats will be preserved as part of another project in the vicinity. Given that the project site does not contain any environmentally sensitive habitat area, wetlands or habitat of significant value, impacts to special status species would be considered less than significant.

In addition to the field surveys that LSA conducted to identify plant and animal species, focused burrowing owl surveys were conducted in accordance with the California Burrowing Owl Consortium (CBOC) protocol. LSA did not observe any burrowing owls or potential owl burrows within or adjacent to the project site during the surveys. However, small mammal burrows on the project site as well as rodent burrows outside the project area were present that burrowing owls can modify for their own use. Regular surveys of the surrounding Bolsa Chica Mesa area over the last decade have observed burrowing owls only during the wintering season from October to March. According to the Biological Resources report, there is a very low chance that the burrowing owl would occur on the site prior to development. However, pre-construction surveys would be necessary to verify absence of the species or their burrows as well as to implement protective measures in the event that burrowing owls are found to be present on the site. No permanent habitat preservation is necessary since there is no recent history of breeding burrowing owls on the project site and ample opportunity for the establishment of breeding area in surrounding unoccupied preserved habitat is available. The following mitigation measure is recommended:

BIO-2:
Prior to construction-related ground disturbing activity, focused burrowing owl surveys shall be conducted in accordance with the CBOC and Department of Fish and Game (DFG) established protocols on the project site.

- ***If no occupied burrows are found, the methods and findings of the surveys shall be reported to the City and DFG for review and approval and no further mitigation would be required.***
- ***If unoccupied burrows are found during the nonbreeding season, the burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.***
- ***If occupied burrows are found, a buffer of 165 feet (during the nonbreeding season of September 1 through January 31) or 250 feet (during the breeding season of February 1 through August 31) shall be provided. The buffer area may be adjusted based on recommendations by a qualified biologist in consultation with the DFG. No activity shall occur within the buffer area until a***

ATTACHMENT NO. 9.32

qualified biologist confirms that the burrow is no longer occupied.

- ***If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. Because the site is only approximately 5 acres in area, property outside of the project site would need to be provided in order to provided 7.5 acres. If off-site property is not available then the entire subject site will serve as foraging area.***
- ***If avoidance of an occupied burrow is not feasible, on-site passive relocation techniques approved by the DFG shall be used to encourage the owls to move to an alternative borrow outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival.***

Implementation of the recommended mitigation measure will ensure that impacts to burrowing owls will be less than significant.

Impacts from development of the project site on surrounding habitat areas, including the adjacent eucalyptus ESHA east of the subject property, could occur from the intrusion of people and pets in the area as well as from noise, light, dispersal of nonnative plants and introduction of pests and feral species. It should be noted that these impacts already occur due to the proximity of other residential development to the habitat areas. The proposed project includes several design measures that would reduce or eliminate these impacts such as perimeter fencing to separate and deter humans and pets from disturbing the preserved habitat areas and dark sky lighting as well as restrictions on the type of exterior lighting that residents of the project can use in the future. Standard requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) require a Domestic Animal Control Plan, a Pest Management Plan and other performance standards for developments adjacent to an ESHA to minimize impacts. In addition, raptor species that would nest in the adjacent eucalyptus ESHA are very tolerant of human activity. In fact, according to the Biological Resources report, previous Cooper's hawk nests were constructed within 50 feet of the residential condominium complex north of the eucalyptus ESHA. These hawks were also frequently observed foraging in existing residential areas. LSA has also noted that average distances at which perching raptors were flushed by approaching humans in the Bolsa Chica area range from 24 to 57 feet depending on the height of raptors in the trees. The property boundary for the proposed project is approximately 140 feet from the closest point of the ESHA. The closest residential lot is 160 feet from the ESHA and the farthest is approximately 250 feet. **Furthermore, the Biological Resources report states that raptors are more likely to habituate to stationary human presence associated with residences than they are to hikers, dog walkers and bird watchers that currently frequent the area.**

As part of the approval of a Land Use Plan for the Shea property in 2008, the Coastal Commission required that 23 acres surrounding the ESHA be designated as buffer/open space to maintain foraging habitat for raptors and to protect against any significant disruption of habitat values. The 23 acres includes the land between the proposed project and the eucalyptus trees, as shown on the proposed tentative tract map for the project (Refer to Attachment 2). **Implementation of the approved land use plan to preserve these 23 acres will provide protection of the resources that does not currently exist.** ~~In addition, there is a significant topographic separation between the proposed project and the eucalyptus trees. The pad elevations at the eastern edge of the proposed project are at elevation 49 and the eucalyptus trees are at elevation five. The height of the ESHA is approximately 40 feet on average so the tops of the trees are approximately at the proposed pad elevation.~~ Given the 23 acres that have been designated as open space for raptor foraging habitat on the Shea property **in addition to standard code requirements for development adajacent to an ESHA, the project's design,**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

and the adaptable nature of raptors that use the area, ~~and the distance of the proposed residential lots from the ESHA coupled with the topographical separation, the~~ impacts **to adjacent resources, including the eucalyptus** ESHA, are less than significant.

The proposed project does not conflict with any adopted Habitat Conservation Plan or Natural Community Conservation Plan as no such plan exists for the City of Huntington Beach. Less than significant impacts would occur. The proposed zoning text amendment will not have any impacts on biological resources.

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) Discussion: See discussion under item b.	☐	☐	☐	☒
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)	☐	☐	☐	☒

Discussion a & b: Although Huntington Beach has been the site of oil and gas extraction since the 1920s, oil production has decreased over the years, and today, oil producing wells are scattered throughout the City. The subject site has historically been used for agricultural purposes and as such, would not result in the loss of a known mineral resource or recovery site. No impacts would occur. The proposed zoning text amendment will not have any 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:1,3,18) Discussion: See discussion under b.	☐	☐	☒	☐
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: 1,3,18)	☐	☐	☒	☐

Discussion a & b: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The site was historically used for agricultural purposes and, as such, may contain traces of pesticides in the soil. The site is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

adjacent Brightwater development. The proposed residential units do not represent uses that involve the routine use or transport of hazardous materials beyond typical household wastes and cleaning products.

To the extent possible, on-site soils will be used for grading, however, all fill soil (on-site and imported) shall meet City Specification #431-92 – Soil Cleanup Standards and would be submitted to the Fire Department for review and joint approval with the Public Works Department prior to issuance of a grading permit. Discovery of additional soil contamination during ground disturbing activities is required to be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92. Less than significant impacts would occur. The proposed zoning text amendment will not have any impacts on hazards and hazardous materials.

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: 1,3,18) ☐ ☐ ☒ ☐

Discussion: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The nearest school, Marine View Middle School, is located approximately ½ mile from the project site. The proposed residential units do not represent uses that involve the routine use or transport of hazardous materials beyond typical household wastes and cleaning products. Less than significant impacts would occur.

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:1,3,13,18) ☐ ☐ ☐ ☒

Discussion: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The project site is not listed on any list of hazardous sites. As such, no impacts would occur.

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 result in a safety hazard for people residing or working in the project area? (Sources: 1,3,18) ☐ ☐ ☐ ☒
Discussion: See discussion under f.

f) 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: 1,3,18) ☐ ☐ ☐ ☒

ATTACHMENT NO. 9.35

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion e & f: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The City is located within the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos, but is not located within two miles of a public or private airport. However, given the nature and size of the proposed project, no impacts would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources:1,3,18) ☐ ☐ ☐ ☒

Discussion: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The site was historically used for agricultural purposes and is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the adjacent Brightwater development. The project site does not serve any role in the implementation of an emergency response plan nor would the proposed project impair an emergency evacuation plan. No impacts would occur.

h) 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: 1,3,18) ☐ ☐ ☒ ☐

Discussion: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The site was historically used for agricultural purposes and is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the adjacent Brightwater development. The site is also disced twice a year for fire protection. The project site and surrounding properties are not considered wildlands and are not located within a Very High Fire Hazard Severity Zone as mapped by the State Department of Forestry and Fire Protection. Less than significant impacts would occur.

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:1,15) ☐ ☐ ☒ ☐

Discussion: See discussion under item d.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1,15) ☐ ☐ ☒ ☐

Discussion: See discussion under item d.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1,15)	☐	☐	☒	☐
Discussion: See discussion under item d.				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1,15)	☐	☐	☒	☐

Discussion a – d: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The project site is located at the southeast corner of Bolsa Chica Street and Los Patos Avenue. The project site was historically used for agricultural purposes and is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the adjacent Brightwater development. Surrounding land uses include multi-family residential to the north and northwest and single-family residential to the west. Properties to the south and east are undeveloped, although single-family residential and open space/conservation uses are approved for property east of the project site. Existing sources of noise and groundborne vibration in the area include motor vehicle traffic on the surrounding roads as well as construction noise from the adjacent Brightwater development. Applicable City regulations include the General Plan Noise Element, which identifies goals, policies and objectives to ensure that new development does not create an unacceptable noise environment through siting, design and land use compatibility, and the City's Noise Ordinance, which regulates noise produced by uses, equipment, construction and people. The proposed zoning text amendment will not have any impacts on noise.

The project will generate short-term noise impacts during construction, including noise generated by earth-moving equipment, haul trucks and power tools. However, the project will be subject to compliance with Chapter 8.40 – Noise, of the Huntington Beach Municipal Code which restricts all construction activities to the hours between 7:00 AM and 8:00 PM Monday - Saturday. Construction activities are prohibited Sundays and Federal holidays. In addition, the project applicant is proposing to utilize noise mufflers on all heavy construction equipment. Accordingly, construction related noise impacts would be less than significant. Noise generated by the proposed residential uses would not be significantly different than existing conditions in the area and would likely generate less noise than the multi-family residential uses to the north and northwest. **Also, there may be an increase in daytime noise from the improvement of the 30-foot wide parcel for enhanced public coastal access as more people may use the path. However, this City-owned parcel is currently being used by the public and the level of use is not expected to increase significantly over current levels of use such that there would be a substantial increase in ambient noise.** As such, the proposed project will not result in exposure of persons to excessive temporary or permanent noise levels or groundborne vibration exceeding existing levels or as established by the General Plan Noise Element and the City's Noise Ordinance. Less than significant impacts would occur.

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: 1,15)	☐	☐	☒	☐
Discussion: See discussion under item f.				

ATTACHMENT NO. 9.37

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) 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: 1,15)	☐	☐	☐	☒

Discussion e & f: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The project site is located at the southeast corner of Bolsa Chica Street and Los Patos Avenue. The site is located within the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos, but is not located within two miles of a public or private airport. Less than significant impacts would occur.

XI. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental 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:1) Discussion: See discussion under item e.	☐	☐	☒	☐
b) Police Protection? (Sources:1) Discussion: See discussion under item e.	☐	☐	☒	☐
c) Schools? (Sources:1) Discussion: See discussion under item e.	☐	☐	☒	☐
d) Parks? (Sources:1,2) Discussion: See discussion under item e.	☐	☐	☒	☐
e) Other public facilities or governmental services? (Sources:1,2)	☐	☐	☒	☐

Discussion a – e: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements. The proposed residential development is proposing to provide a 5,776 square foot open space area. The project site is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the adjacent Brightwater development. The nearest police station is the Harbour Substation, located approximately half a mile from the project site at 16889 Algonquin Street. The nearest Fire Station is Station No. 7 located at 3831 Warner Avenue at the intersection of Warner Avenue and Pacific Coast Highway. The project site is located within the Ocean View School District (grades K-8) and the Huntington Beach Union High School District. Five City parks, Bolsa Chica State Beach and the Bolsa Chica Ecological Reserve are all located within one mile of the project site. The proposed zoning text amendment will not have any impacts on public resources.

ATTACHMENT NO. 9.38

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

The Fire and Police departments have reviewed the proposed development and have not indicated that the project would impact acceptable service levels. The Community Services Department has reviewed the request to amend the General Plan land use designation from Open Space – Parks to Low Density Residential and has determined that impacts to parks would be less than signficiant due to the proximity of other parks within the area of the project site as well as the relatively small number of units proposed. In addition, although the project is proposing to amend the general plan and zoning land use designations, the increase in population and housing is within the allowable growth considered in the General Plan. Although the proposed project would not create a substantial increase in demand for public services, the project would be required to pay park (in accordance with Ch. 254 of the HBZSO), school and library fees to offset any additional increase in demand for services. Less than significant impacts would occur.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources:1,3)	☐	☐	☒	☐
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:1,3)	☐	☐	☒	☐

Discussion: See discussion under item b.

Discussion a & b: The proposed project involves the subdivision of a 5-acre parcel for the construction of a 22-unit single-family planned unit development and associated improvements including a 5,776 square foot open space area. The proposed zoning text amendment will not have any impacts on utilities and service systems. The project will take access from Bolsa Chica Street, which was extended in 2006 for the Brightwater development. When the extension of Bolsa Chica Street was constructed in 2006, sewer, domestic water and storm drain improvements were constructed in the street for the Brightwater development. Those existing sewer, water and storm drain lines are readily available in Bolsa Chica Street and have adequate capacity to serve the proposed project. The Orange County Sanitation District (OCSD) provides regional wastewater collection, treatment and disposal services for the City of Huntington Beach. Based on current OCSD flow factors, the proposed project would generate approximately 1,488 gallons of wasterwater per day per acre.

All connections to existing wastewater infrastructure will be designed and constructed in accordance with the requirements and standards of the City of Huntington Beach and the OCSD. Compliance with applicable Waste Discharge Requirements, as monitored and enforced by the OCSD, would ensure that the proposed project would not exceed applicable wastewater treatment requirements of the Santa ana Regional Water Quality Control Board (SARWQCB) with respect to discharges to the sewer system. Less than significant impacts would occur.

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	☐	☐	☒	☐

ATTACHMENT NO. 9.39

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

environmental effects? (Sources:1,3,4)

Discussion: As discussed in Section IV. Hydrology and Water Quality, the project is proposing a storm drain system that would divert the "first flush" storm water runoff and dry weather nuisance flows to the proposed open space area where it will be infiltrated into the ground through a corrugated metal pipe retention system. Surface runoff will flow to catch basins connected to the CDS unit, which will function to remove debris, sediment, oil and grease from the street runoff prior to infiltration into the ground. In addition, porous pavers proposed in the driveways and on-street parking areas will intercept nuisance flows and "first flush" stormwater runoff and pre-treat the runoff prior to retention and infiltration. In addition to capturing runoff, the proposed drainage system would also facilitate water quality enhancement through removal of dissolved nutrients, bacteria and sediment through the soil's natural filtering ability as well as act as a groundwater recharge system. This system would be constructed with the project and would not create additional construction impacts beyond those already being considered with the project. Less than significant impacts would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources:1,3) ☐ ☐ ☒ ☐

Discussion: The Public Works Department has reviewed the project plans and did not identify any concerns regarding impacts to water supplies due to the relatively small number of units. The project would not result in an increase in water consumption such that it would present a significant impact to water supplies. In addition, the project is subject to compliance with the City's Water Ordinance, including the Water Efficient Landscape Requirements, as well as Title 24 conservation measures such as low flow fixtures, which ensure water consumption is minimized. In addition, the project is proposing the homes to be Energy-star rated, which maximizes appliance efficiency. The water demand for the proposed project can be accommodated by the City's water service capacity and less than significant impacts would occur.

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:1,3) ☐ ☐ ☒ ☐

Discussion: See discussion under item a.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources:1,3) ☐ ☐ ☒ ☐

Discussion: See discussion under item g.

g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources:1,3,15) ☐ ☐ ☒ ☐

ATTACHMENT NO. 9.40

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion f & g: The proposed project involves the subdivision of a 5-acre parcel for the construction of a 22-unit single-family planned unit development and associated improvements including a 5,776 square foot open space area. Solid waste collection service for the City of Huntington Beach is provided by Rainbow Disposal, under an exclusive contract with the City. Collected solid waste is transported to a transfer station where the solid waste is sorted and processed through a Materials Recovery Facility where recyclable materials are removed. The remaining solid waste is transferred to the Orange County landfill system, which has capacity to operate until 2067. Even so, given the size and use of the project, it is not expected to generate a substantial amount of daily waste products in the long term nor as a result of construction. Accordingly, the project is not anticipated to noticeably impact the capacity of existing landfills that will serve the use. The project is subject to compliance with all federal, state, and local statutes and regulations related to solid waste and no exceptions to those standards are proposed. Less than significant impacts would occur.

h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources:1,3,4,15)	☐	☐	☒	☐

Discussion: Refer to item XII. c. above. In addition, a preliminary Water Quality Management Plan (WQMP) for the project identifies Best Management Practices (BMPs) to reduce impacts to water quality. However, the proposed storm drain system and identified BMPs would not create additional environmental impacts as discussed in this section and in Section IV. Hydrology and Water Quality. Less than significant impacts would occur.

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (Sources:1,18)	☐	☐	☒	☐
Discussion: See discussion under item d.				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources:1,18)	☐	☐	☐	☒
Discussion: See discussion under item d.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources:1,3,18)	☐	☐	☒	☐
Discussion: See discussion under item d.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources:1,3,18)	☐	☐	☒	☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion a – d: The project consists of a 22-unit single-family planned unit development and associated improvements on an existing 5-acre lot. The project proposes an architectural design character of an "American Seaside Village" with six coastal architectural styles including: Light Craftsman, Light Victorian, American Traditional, The Hamptons, Laguna Beach Cottage and Florida Seaside. These styles present a quality architectural design utilizing various exterior colors and materials finishes. The project site is located on the Bolsa Chica Mesa and is currently undeveloped, although a portion of the site is currently being used as a construction staging site for the adjacent Brightwater development. The project site is not located along a state scenic highway. There are no historic resources, rock outcroppings or trees on the project site. The Bolsa Chica Mesa and slope is identified as a visual resource in the Coastal Element and existing policies in the Coastal Element call for the preservation of public views to and from the slope.

Construction of the project would permanently alter the existing visual environment of the project site. The undeveloped character of the site would be developed under the proposed project. Views of the project site from the flood control channel east of the project site and Pacific Coast Highway (PCH) further in the distance would be altered. However, views of the project site from the channel and PCH, which are at a lower elevation, can be considered in the context of the overall view of the Bolsa Chica Mesa and slope. Currently, views looking toward the project site consist of the slope, open space and residential uses. Development of the project site would maintain existing views of the slope, in accordance with Coastal Element policies, and would bring residential uses into a closer context, but the overall view from the channel and PCH would essentially remain the same. Therefore, the proposed project would not substantially affect scenic views of the project site from off-site vantage points.

In addition, improvement of an existing undeveloped 30-foot wide City-owned parcel north of the project site would provide public access to an informal path on the adjacent Shea property from Bolsa Chica Street and would also provide public views from the slope edge at the eastern point of the site.

Since the project site is currently undeveloped, the project would introduce a new source of light and glare in the area due to lighting from the residences, car lights and nighttime street lights. However, the project is proposing single-family residential uses in an area that is developed with single- and multi-family uses and light sources from the project would be similar to existing light sources in the area. The proposed lighting plan for the project indicates that all lighting will be shielded to minimize light cast onto adjacent properties. In addition, the project site lighting will include "dark sky" features that were implemented in the adjacent Brightwater residential project and have already been determined to be appropriate for and sensitive to the Bolsa Chica area.

The project is proposing two story homes at approximately 25 to 30 feet in height. Existing residential uses north and west of the project site are two and three stories in height and private views from these residential uses would be impacted by the project. However, neither the General Plan Coastal Element nor the Coastal Act protect private views. Nevertheless, the project site is separated from adjacent multi-family residential properties to the north with a 30-foot wide parcel. The 30-foot wide area would be improved with a 6-foot wide path and a landscape buffer. Distances from the proposed residences to the multi-family residential units to the north would range from 40 – 90 feet. These distances combined with landscaping proposed for the 30-foot wide area would function to buffer aesthetic impacts to existing residential units from development on the project site. In addition, the project is required to comply with the City's design guidelines and is subject to review by the Design Review Board to ensure that the project's design, architecture and landscaping for the project is compatible with and would enhance the area.

In conjunction with other past, present and future projects, the proposed project would incrementally

ATTACHMENT NO. 9.42

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

contribute to aesthetic changes in the area and the change from an undeveloped to a developed condition may be viewed by some people as a negative impact. However, aesthetic impacts are somewhat subjective and others may view the development of new homes, landscaping and a 30-foot wide coastal access link as an improvement from the undeveloped condition of the property. The proposed project presents a high quality architectural design with a large amount of landscaping that is compatible with the surrounding uses. In addition, the adjacent slope would be preserved as a significant scenic resource and the project would provide for public views from the project site via the proposed 30-foot wide access path.

The proposed zoning text amendment would provide options for parking in PUD developments that may have an aesthetic impact. For instance, dwelling units that would require a three-car garage may be designed with a tandem configuration such that the garage appears as a two-car garage. Aesthetically, this would be a benefit to projects since the options provide greater design flexibility; front yards could be emphasized and garages would not dominate the street scene in a development. Required parking spaces could be provided in driveways and on the street. This would allow less driveway space to occupy the front yard of a unit, but may also result in more on-street parking spaces being occupied more often. However, any parking configurations proposed under the proposed zoning text amendment would be analyzed for appropriateness as well as aesthetics as individual PUD developments are proposed. Less than significant impacts would occur.

Based on the analysis above, aesthetic impacts from the proposed project would be less than significant.

XIV. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in δ15064.5? (Sources:6, 22) Discussion: See discussion under d.	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to δ15064.5? (Sources:6, 22) Discussion: See discussion under d.	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources:6, 22) Discussion: See discussion under d.	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources:6, 22)	☐	☒	☐	☐

ATTACHMENT NO. 9.43

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion a – d: The proposed project involves the subdivision of an approximately 5-acre site for the construction of 22 single-family dwellings and associated improvements including a 5,776 square foot open space area. The project site was historically used for agricultural purposes and is currently undeveloped, except for a portion of the site that is used for temporary construction headquarters for the adjacent Brightwater development. The proposed zoning text amendment will not have any impacts on cultural resources.

An archeological report was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009 and discusses previous investigations of the archeological site, CA-ORA-86. According to the report, the project site contained remnants of CA-ORA-86, which has been the subject of 33 separate archeological investigations, including nine surveys, five site form recordations, five surface collections, five excavation programs, one grading monitoring program, two site inspections, one research design and nine evaluations of the site for significance. CA-ORA-86 has been modified in size and shape through time and is frequently combined with CA-ORA-144 "*The Water Tower Site*" and CA-ORA-83 "*The Cogged Stone Site*", although it is recorded as a distinct site. The site was first formally mapped in 1961 along the slope edge east of Bolsa Chica Street on the subject site and extending northeast where residential development is now located. CA-ORA-86 was first formally recorded in 1964 and showed essentially the same boundaries as the 1961 map. Since the site was first recorded, it has been disturbed through agricultural activities, a soils enhancement program in which peat deposits were mixed into the sediments, and residential construction in the northern portion of the site (north of Los Patos). In the 1960s and 1970s, several investigations were conducted west of Bolsa Chica Road to verify that the site boundaries were confined to the slope edge east of Bolsa Chica Street. However, investigations in the 1980s and early 1990s re-recorded the site and extended the boundaries west of Bolsa Chica Street and east of the slope edge down into the lowlands. Subsequent archeological investigations in 1999 showed that the property west of Bolsa Chica Street (now the Sandover residential development) did not contain intact deposits of CA-ORA-86.

In 2001, CA-ORA-86 was investigated and the entire project site was subjected to a multistaged program that included a surface survey, surface artifact collection, a systematic auger program, backhoe trenching and hand excavations. One small deposit was found in the southeast corner of the property on the slope edge. Geophysical investigations revealed an oval depression at the deposit site that was identified as the subterranean remains of a single structure. The subsurface remains of the structure were completely removed by hand excavation, which recovered the entire small deposit. No other intact deposits of CA-ORA-86 were found on the project site.

Because the project site was previously investigated for presence of archeological site CA-ORA-86, it is not anticipated that significant deposits will be discovered during construction of the project. However, the following mitigation measures shall be implemented in the event that unanticipated resources are encountered during grading and construction:

***CR-1**: The Applicant shall arrange for a qualified professional archaeological monitor to be present during all project-related ground-disturbing activities. The Applicant shall also arrange for a qualified Native American monitor or a rotation of monitors from the interested bands to be present during all project-related ground-disturbing construction activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource.*

ATTACHMENT NO. 9.44

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.

***CR-2**: If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.*

It should be noted that the May 2009 SRS report was reviewed by archeologists from the Bolsa Chica Peer Review Committee. The peer reviewers confirmed that required mitigation would be limited to monitoring during grading and ground disturbing activities. The peer reviewers also concluded that mitigation measures requiring preservation or additional data recovery are not necessary. Therefore, with implementation of mitigation measures CR-1 and CR-2, potential impacts to cultural resources would be less than significant.

XV. 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) Discussion: See discussion under c.	☐	☐	☒	☐
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:1,18) Discussion: See discussion under c.	☐	☐	☒	☐
c) Affect existing recreational opportunities? (Sources:1)	☐	☐	☒	☐

Discussion a – c: The project consists of the development of 22 single-family homes and associated site improvements including a 5,776 square foot (0.13 acres) open space area that would primarily serve the development. The project does have the potential to increase usage of recreational facilities in the City due to the introduction of new housing and potentially new residents to the area. The established standard for parks per the City's General Plan is five acres for every 1,000 residents. The proposed development would require 0.29 acres of parkland to meet the established standard for the project. The project is required to pay park fees and/or provide dedication of land in accordance with Chapter 254 of the HBZSO. The proposed zoning text amendment will not have any impacts on recreation.

The project, as part of its public benefit, is proposing to improve an existing 30-foot wide parcel located immediately north of the project site with a landscaped trail that would provide access from Bolsa Chica Street

ATTACHMENT NO. 9.45

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

to an existing informal path on the adjacent Shea property, which ultimately connects to the wetlands. **Although this parcel is currently used by people that are familiar with the area, the improvements will provide for noticeable access from Bolsa Chica Street and will enhance public access opportunities.** In this respect, the project would further recreational opportunities in the Bolsa Chica area.

The project site has an existing General Plan Land Use designation of Open Space – Parks (OS-P), which is proposed to be amended to RL (Residential Low Density). However, the site is not developed with a park or recreational facility and is not listed on the City's inventory of parks. The site is privately owned and, according to the Community Services Department, no such facilities are planned for the project site. In addition, the Community Services Department has reviewed the proposed General Plan Amendment and, due to the small size of the project and the proximity of four parks within a half-mile of the project site, has indicated that the proposed change in land use designation would not present a significant impact in terms of existing or planned parks and recreational facilities. Therefore, the project's impacts on parks and recreational facilities, including existing recreational opportunities, would be less than significant.

XVI. 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:1,2) Discussion: See discussion under c.	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:1,2) Discussion: See discussion under c.	☐	☐	☒	☐
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:1,2)	☐	☐	☒	☐

Discussion a – c: Much of Huntington Beach was developed with agricultural fields for many years until approximately the late 1950s when the City started to experience tremendous growth. Today, there is little land zoned or used for agricultural purposes. Most of the remaining agriculturally zoned property is limited to the existing Southern California Edison Right-of-Ways, which are generally utilized for commercial nursery operations.

The proposed zoning text amendment will not have any impacts on agricultural resources. The project includes

ATTACHMENT NO. 9.46

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

development of a 5-acre site with 22 single-family homes and associated site improvements. The property is currently undeveloped except for a portion in the southwest corner that is used for temporary construction headquarters for the adjacent Brightwater development. Historically, the property has been used intermittently over the years for agricultural purposes, but has ceased agricultural operations for the last five years. The site is not shown on any map of the California Resources Agency as important, unique or prime farmland. The project site is currently zoned Residential Agricultural (RA) and allows agricultural uses, single-family dwellings, nurseries and temporary uses such as storage yards. The proposed zoning map amendment to RL (Residential – Low Density) would result in the conversion of land zoned for agricultural uses. However, as mentioned, the site is not currently used for agricultural purposes. According to the HBZSO, the intent of the RA zoning district is to provide a "transition or holding zone" for properties with "current" agricultural uses. Since the property is no longer used for agriculture, the RA zoning designation is no longer the appropriate zoning designation and impacts from the change in zoning designation from RA to RL would be considered less than significant.

XVII. 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:1-23)	☐	☒	☐	☐

Discussion: **The project does have the potential to impact special status species, specifically southern Tarplant and Burrowing Owls. However, the recommended mitigation measures discussed in Section VII. Biological Resources will ensure that impacts will be reduced to a less than significant level.** As discussed in Section XIV. Cultural Resources, the project site is within a recorded archeological site. Although, it is not anticipated that intact resources exist at the site, due to previous excavation, mitigation measures have been incorporated to address impacts to cultural resources in the event that intact deposits are encountered during project grading and construction. As discussed thoughout this initial study, potential impacts that would degrade the quality of the environment would be less than significant.

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:1-23)	☐	☐	☒	☐

Discussion: As discussed in Sections I to XVI, the project is not anticipated to have significant cumulatively considerable impacts due to the relatively small scale and nature of the project as well as implementation of project design features and standard City codes and policies that would further reduce impacts. Although the project is proposing to amend the General Plan land use designation, the project is consistent with the General Plan in terms of foreseeable growth in the City. It does not represent a significant negative impact to the environment or goals of the City. Less than significant impacts are anticipated.

ATTACHMENT NO. 9.47

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1-23)	☐	☐	☒	☐

Discussion: As discussed in Sections I to XVI, all potential impacts that could have environmental effects on humans as a result of the project have been found to be less than significant due to the relatively small scale and nature of the project as well as implementation of project design features and standard City codes as well as other applicable codes and policies. As such, impacts would be less than significant.

ATTACHMENT NO. 9.48

XVIII. 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 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis:

Reference #	Document Title	Available for Review at:
1	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 3rd Floor 2000 Main St. Huntington Beach
2	City of Huntington Beach Zoning and Subdivision Ordinance	"
3	The Ridge Permit Documentation (March 10, 2009)	"
4	Conceptual Water Quality Management Plan (October 31, 2008)	"
5	Geotechnical Feasibility Study (October 31, 2008)	"
6	Archeological Abstract CA-ORA-86 Scientific Resources Surveys, Inc. (May 2009)	"
7	City of Hutington Beach Geotechnical Inputs Report	"
8	FEMA Flood Insurance Rate Map (February 18, 2004)	"
9	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	"
10	City of Huntington Beach CEQA Procedure Handbook	"
11	Trip Generation Handbook, 7th Edition, Institute of Traffic Engineers	"
12	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	"
13	Hazardous Waste and Substances Sites List	"
14	State Seismic Hazard Zones Map	"
15	City of Huntington Beach Municipal Code	"
16	URBEMIS Air Quality Assessment (July 2009)	"

ATTACHMENT NO. 9.49

17	Summary of Mitigation Measures	Attachment No. 1
18	Reduced Project Plans (June 2, 2009)	Attachment No. 2
19	Code Requirements Letter (November 25, 2008)	Attachment No. 3
20	Draft proposed Zoning Text Amendment No. 09-008	Attachment No. 4
21	Biological Resources Assessment (January 2010, Revised March 2010)	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 3rd Floor 2000 Main St. Huntington Beach
22	Archeological Peer Review letter (December 10, 2009)	"
23	Biological Resources Peer Review (February 2010)	"

Not Attache

ATTACHMENT NO. 9.50

Attachment No. 1

Summary of Mitigation Measures

Description of Impact	Mitigation Measures
▪ 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 or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S, Fish and Wildlife Service	**BIO-1: Prior to construction-related ground disturbing activity, a qualified biologist shall survey the project site for presence of Southern tarplant during the appropriate blooming period, May – November. If feasible, the survey shall be conducted during the peak blooming period for the year. Any substantial occurrence (at least 500 mature individuals) shall be preserved on-site or relocated to open space areas in the Bolsa Chica area. If relocation is required, a Southern tarplant relocation program shall be prepared by a qualified biologist and implemented prior to the onset of construction.** **BIO-2:** **Prior to construction-related ground disturbing activity, focused burrowing owl surveys shall be conducted in accordance with the CBOC and Department of Fish and Game (DFG) established protocols on the project site.** ▪ **If no occupied burrows are found, the methods and findings of the surveys shall be reported to the City and DFG for review and approval and no further mitigation would be required.** ▪ **If unoccupied burrows are found during the nonbreeding season burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.** ▪ **If occupied burrows are found, a buffer of 165 feet (during the nonbreeding season of September 1 through January 31) or 250 feet (during the breeding season of February 1 through August 31) shall be provided. The buffer area may be adjusted based on recommendations by a qualified biologist in consultation with the DFG. No activity shall occur within the buffer area until a qualified biologist confirms that the burrow is no longer occupied.** ▪ **If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. Because the site is only approximately 5 acres in area, property outside of the project site would need to be provided in order to provided 7.5 acres. If off-site property is not available then the entire subject site will serve as foraging area.** ▪ **If avoidance of an occupied burrow is not feasible, on-site passive relocation techniques approved by the DFG shall be used to encourage the owls to move to an alternative borrow outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival.**

Description of Impact	Mitigation Measures
▪ Cause a substantial adverse change in the significance of a historical resource as defined in δ15064.5 ▪ Cause a substantial adverse change in the significance of an archaeological resource pursuant to δ15064.5 ▪ Disturb any human remains, including those interred outside of formal cemeteries	**CR-1**: The Applicant shall arrange for a qualified professional archaeological monitor to be present during all project-related ground-disturbing activities. The Applicant shall also arrange for a qualified Native American monitor or a rotation of monitors from the interested bands to be present during all project-related ground-disturbing construction activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources. **CR-2**: If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

ATTACHMENT NO. 9.52

Property Development Standards for Residential Districts

	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Width (ft.)	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Cul de sac frontage	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks							(D)(R)	(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(E)(F)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(G)(I)(J)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(H)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(I)(J)	
Accessory Structure							(U)	(3334-6/97, 3410-3/99)
Garage							(K)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(L)(R)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)								
Dwellings	35	35	35	35	35	20	(M)	(3334-6/97, 3410-3/99)
Accessory Structures	15	15	15	15	15	15	(M)(R)	(3410-3/99)
Maximum Floor Area Ratio (FAR)	-	-	1.0	-	-	-		(3334-6/97, 3410-3/99) (3410-3/9
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(3334-6/97, 3410-3/99)
Maximum Lot Coverage (%)	50	50	50	50	50	75	(V)	(3334-6/97, 3410-3/99)
Minimum Floor Area							(N)	(3334-6/97, 3410-3/99)
Minimum Usable Open Space							(O)	
Courts							(P)	(3334-6/97, 3410-3/99)
Accessibility within Dwellings							(Q)	(3410-3/99)
Waterfront Lots							(R)	(3334-6/97, 3410-3/99)
Landscaping			See Chapter 232				(S)	(3334-6/97, 3410-3/99)
Fences and Walls			See Section 230.88					
Lighting							(T)	(3334-6/97, 3410-3/99)
Underground Utilities			See Chapter 17.64					
Screening of Mechanical Equipment			See Section 230.76					
Refuse Storage Areas			See Section 230.78					(3410-3/99)
Antenna			See Section 230.80					(3410-3/99)
Performance Standards			See Section 230.82					
Off-Street Parking and Loading			See Chapter 231 **& Section 210.12**					
Signs			See Chapter 233					
Nonconforming Structures			See Chapter 236					
Accessory Structures			See Chapter 230.08					(3706-6/05)

* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
Lots greater than 50 feet in width = 1 unit per 1,900 square feet
N/A = Not applicable

ATTACHMENT NO. 10.1

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

210.10 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed. (3334-6/97, 3410-3/99)

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments. (3334-6/97)

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements.

A. Maps. A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions. (3334-6/97)

B. Project Design.

1. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side. (3334-6/97)

2. A maximum of six units may be attached side by side and an offset on the front of the building a minimum of four (4) feet for every two units shall be provided. (3334-6/97)

3. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area. (3334-6/97)

4. The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development:

a. Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14.

b. Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required parking spaces is provided with the development site. ATTACHMENT NO. 10.2

C. Common Areas. Every owner of a lot or dwelling unit shall own as an appurtenance to such unit or lot either an undivided interest in the common areas and facilities or a share in the corporation, community association, or limited partnership owning the common areas and facilities. (3334-6/97)

D. Covenants. The developer shall submit a covenant setting forth a plan or manner of permanent care and maintenance of all common areas and communal facilities. Such covenant shall be included in the Covenant, Conditions, and Restrictions (CC&R's) applying to the property and shall be approved by the City Attorney and Director. The CC&R's shall be approved prior to final or parcel map approval and when approved, shall be recorded in the office of the Orange County Recorder. (3334-6/97)

E. Maintenance. The corporation, community association, or limited partnership shall have the responsibility of maintaining the common areas and facilities as shown on the final development plans, the buildings and use of property for planned unit development. (3334-6/97)

F. Sale of Lots. No dwelling unit or lot shall be sold or encumbered separately from an interest in the common areas and facilities in the development which shall be appurtenant to such dwelling unit or lot. No lot shall be sold or transferred in ownership from the other lots in the total development or approved phase of the development unless all approved community buildings, structures and recreational facilities for the total development, or approved phase thereof, have been completed, or completion is assured, by bonding or other method satisfactory to the City. (3334-6/97)

G. Management Agreement. No lot or dwelling unit in the development shall be sold unless a corporation, community association, or limited partnership has been formed with the right to assess all those properties which are jointly owned with interests in the common areas and facilities in the development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Said entity shall operate under recorded CC&R's which shall include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs and services. The developer shall submit evidence of compliance with this requirement to and receive approval of the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes. (3334-6/97)

210.14 RMP District Supplemental Development Standards

This section establishes supplemental standards for the development of manufactured home parks. (3334-6/97)

A. Individual space setbacks for manufactured homes and accessory structures shall be landscaped and are as follows:

Front	minimum 5 feet
Side	10 feet aggregate, minimum 3 feet on any side
Rear	minimum 5 feet

(3334-6/97, 3410-3/99

B. Each space shall be provided with a minimum 150 cubic feet of enclosed, usable storage space. (3334-6/97, 3410-3/99)

ATTACHMENT NO. 10.3