



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jennifer Villasenor, Associate Planner *JV*
DATE: April 27, 2010

SUBJECT: **DRAFT RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-016, 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 (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, 92649 (5-acre site southeast of the intersection of Bolsa Chica Street and Los Patos Avenue)

STATEMENT OF ISSUE:

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 in the coastal zone. Specifically, the project includes the following requests:

- ♦ Recirculated Mitigated Negative Declaration: to analyze the potential environmental impacts associated with the project and legislative amendments
- ♦ General Plan Amendment: to amend the Land Use Designation from Open Space – Park (OS-P) to Residential Low Density (RL – 7 Units/Acre);
- ♦ 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 and clarify the requirement for the provision of a public benefit;
- ♦ 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; and
- ◆ Conditional Use Permit: to permit construction on a site with greater than a three-foot grade differential.
- ◆ Staff's Recommendation:
Approve Recirculated Mitigated Negative Declaration No. 08-016 based upon the following:
 - The project, with the incorporation of mitigation measures, will not have significant adverse impacts on the environment.

Approve General Plan Amendment No. 08-011, Zoning Map Amendment No. 08-007, Zoning Text Amendment No. 09-008, Local Coastal Program Amendment No. 09-002, Tentative Tract Map No. 17294, Coastal Development Permit No. 08-022 and Conditional Use Permit No. 08-046 based upon the following:

- The proposed land use amendments to amend the land use designation from Open Space – Park to Residential Low Density and the zoning designation from Residential Agricultural – Coastal Zone to Residential Low Density – Coastal Zone will:
 - be consistent with surrounding zoning and land use designations;
 - not result in the loss of an existing or planned recreational resource;
 - provide for the creation of new housing units in the City;
 - provide compatible zoning and General Plan land use designations;
 - afford the property owner allowances to develop the property.
- The proposed project will comply with the provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with respect to the Residential Low Density zoning standards as well as the standards of the Coastal Zone Overlay.
- The proposed homes will be compatible with other residential uses surrounding the project site with respect to architecture, density, building height and lot size.
- The project meets the requirements of the Subdivision Map Act and has been reviewed by the Subdivision Committee for compliance.
- The project will provide the City's first "Green" residential project.
- The project will provide enhanced coastal access through the improvement of an existing City-owned parcel.
- The project, as designed and as conditioned, will be sensitive to surrounding preserved environmentally sensitive habitat areas.
- The project will contribute to the City's housing stock, including affordable housing as required by existing City requirements, thereby assisting to achieve the City's overall housing goals.
- The project will contribute to existing recreational opportunities through the provision of a 0.13-acre passive open space area.
- The proposed zoning text amendment will allow alternative configurations for parking including tandem enclosed spaces and flexibility in open parking spaces, while still providing for adequate parking, to achieve better site design and architectural quality in the proposed project as well as future Planned Unit Development (PUD) project proposals.
- The proposed zoning text amendment will clarify the requirement for PUD projects to provide a public benefit.

RECOMMENDATION:

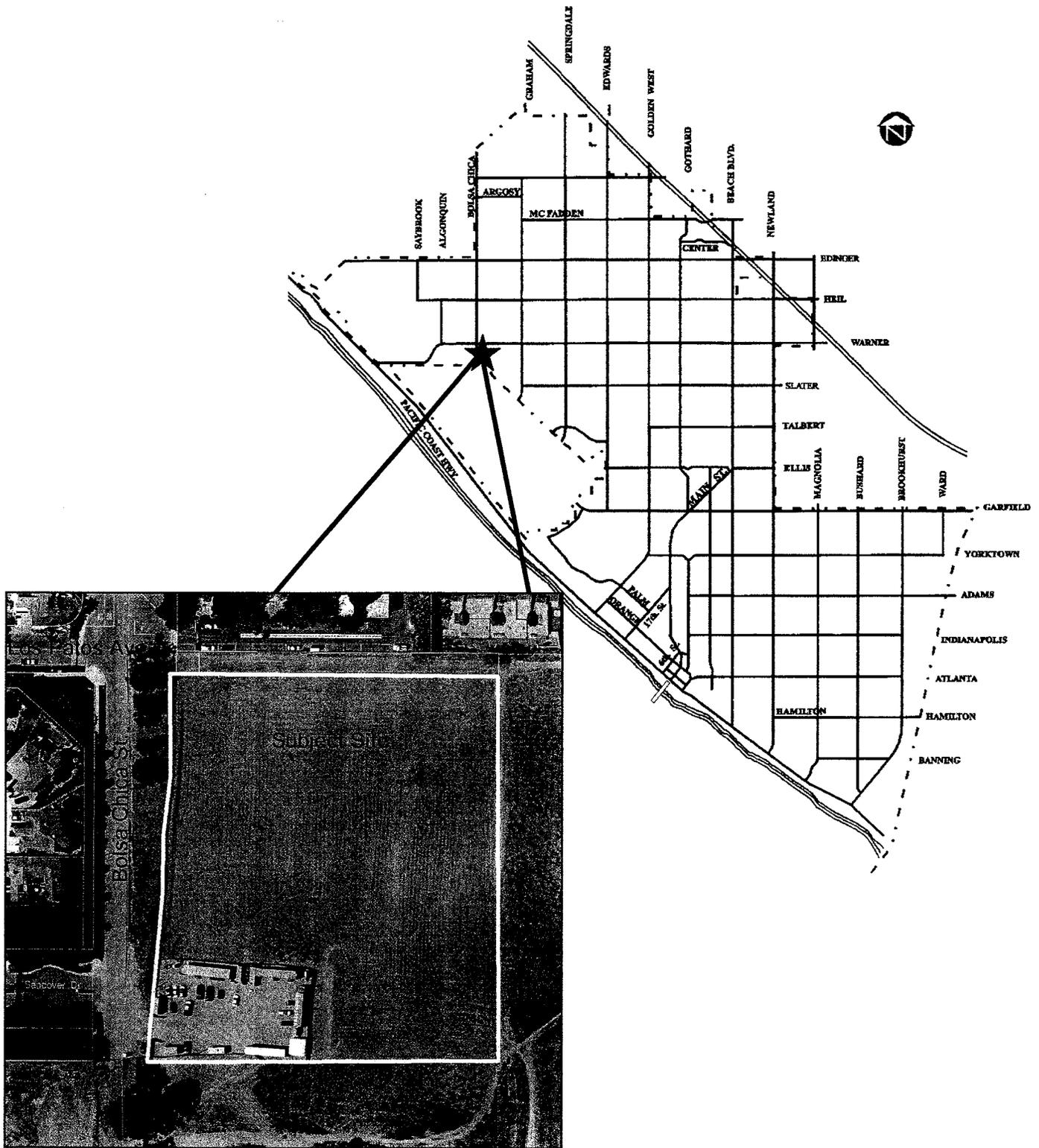
Motion to:

- A. “Approve Recirculated Mitigated Negative Declaration No. 08-016 with findings (Attachment No. 1);”
- B. “Approve General Plan Amendment No. 08-011 by approving the draft City Council Resolution No. ____ (Attachment No. 2) and forward to the City Council for adoption;”
- C. “Approve Zoning Map Amendment No. 08-007 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. ____ (Attachment No. 3) and forward to the City Council for adoption;”
- D. “Approve Zoning Text Amendment No. 09-008 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. ____ (Attachment No. 4) and forward to the City Council for adoption;”
- E. “Approve Local Coastal Program Amendment No. 09-002 with findings for approval (Attachment No. 1) by approving the draft City Council Resolution No. ____ (Attachment No. 5) and forward to the City Council for adoption;”
- F. “Approve Tentative Tract Map No. 17294 with findings and suggested conditions of approval (Attachment No. 1);”
- G. “Approve Coastal Development Permit No. 08-022 with findings and suggested conditions of approval (Attachment No. 1).”
- H. “Approve Conditional Use Permit No. 08-046 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Recirculated Mitigated Negative Declaration No. 08-016 / General Plan Amendment No. 08-011 / Zoning Map Amendment No. 08-007 / Zoning Text Amendment No. 09-008 / Local Coastal Program Amendment No. 09-002 / Tentative Tract Map No. 17294 / Conditional Use Permit No. 08-046 / Coastal Development Permit No. 08-022 with findings for denial.”
- B. “Continue Recirculated Mitigated Negative Declaration No. 08-016 / General Plan Amendment No. 08-011 / Zoning Map Amendment No. 08-007 / Zoning Text Amendment No. 09-008 / Local Coastal Program Amendment No. 09-002 / Tentative Tract Map No. 17294 / Conditional Use Permit No. 08-046 / Coastal Development Permit No. 08-022 and direct staff accordingly.”



VICINITY MAP
RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-016 / 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
(THE "RIDGE" – 22-UNIT PLANNED UNIT DEVELOPMENT)

PROJECT PROPOSAL:

Recirculated Mitigated Negative Declaration No. 08-016: analyzes the potential environmental impacts associated with the project and legislative amendments.

General Plan Amendment No. 08-011: represents a request to amend the General Plan Land Use Designation on the project site from Open Space – Park (OS-P) to Residential Low Density (RL – 7 Units/Acre) (Attachment No. 2).

Local Coastal Program Amendment No. 09-002: represents a request 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 (Attachment No. 5).

Zoning Map Amendment No. 08-007: a request to amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ) (Attachment No. 3).

Zoning Text Amendment No. 09-008: a request 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 and clarify the requirement for provision of a public benefit (Attachment No. 4).

Tentative Tract Map No. 17294: a request to subdivide the approximately 5-acre lot into 22 single-family residential parcels and nine lettered lots.

Coastal Development Permit No. 08-022: a request to subdivide the subject property and construct 22 single-family residences, common open space and associated infrastructure in the coastal zone.

Conditional Use Permit No. 08-046: a request to permit construction on a site with greater than a three-foot grade differential.

The size of the 22 residential lots ranges from 5,114 square feet to 12,250 square feet. The proposed 4, 5 and 6 bedroom dwellings range in size from approximately 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.

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. Six 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 applicant 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, unimproved path on the adjacent Shea property east of the project site to provide noticeable access to the Bolsa Chica Wetlands from Bolsa Chica Street, thereby enhancing 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 the street and driveways, Energy Star-rated homes, 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.

Background:

The approximately 5-acre site is generally located at the southeast corner of Bolsa Chica Street and Los Patos Avenue on the Bolsa Chica Mesa. Historically, the site has been used periodically over the years for agricultural purposes, but has not been used for agriculture in over 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. Currently, the project site is approximately one-third gravel while the remaining site is fallow agricultural land. An exhibit of the project site and surrounding resources and developments (with common names) is provided in Attachment No. 6.

Study Session:

The Planning Commission held a study session for the project on April 13, 2010. The Planning Commission had questions related to the biological resources assessment, the applicability of the zoning text amendment to other potential developments in the City and archeological resources. The Planning Commission also asked if previous project approvals in the vicinity of the project site (Shea/Parkside project and Brightwater development) were based on the existing land use designation of the subject site as this was identified in one of the comments on Recirculated Draft MND No. 08-016. Staff indicated that prior project approvals were not based on the existing land use designation of the proposed project site. The Planning Commission requested a copy of the biological resources assessment, which was provided to all of the Planning Commissioners on April 15, 2010 and is available for review in the project file at the Planning and Building Department. The Planning Commission also requested information on the requirements of Chapter 221 – *Coastal Zone Overlay* of the HBZSO related to development adjacent to an ESHA. The requirements are provided in Attachment No. 7. It should also be noted that the requirements are recommended to be included as conditions of approval for the proposed coastal development permit.

ISSUES:

Subject Property and Surrounding Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	OS-P (Open Space – Park)	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 subject property. Pre-zoning designations include low density residential and open space recreation and conservation 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.

General Plan Conformance:

In addition to the request to subdivide and construct 22 single-family homes on the project site, 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 as long as the total number of parking spaces required is provided within the development site. 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.

The proposed project and legislative amendments are consistent with the following applicable Goals, Objectives and Policies of the General Plan Land Use, Coastal, Urban Design, Recreation and Community Services and Environmental Resources/Conservation Elements:

A. Land Use Element

Goal LU 5: Ensure that significant environmental habitats and resources are maintained.

Objective LU 5.1: Provide for the protection and maintenance of environmental resources as new development and redevelopment projects occur during the planning, project review and permitting process.

Policy LU 5.1.1: Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and State (CEQA) regulations.

During the development review process:

- a. Review any development proposal for the Bolsa Chica area, Huntington Beach Wetlands and throughout the City to ensure that no development is permitted in Federally and state delineated wetlands; and
- b. Review any development proposed for non-wetland areas to ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality.

The project has been reviewed for environmental impacts in accordance with CEQA. The project's potential impacts are analyzed in Recirculated Draft MND No. 08-016, which concludes that the project, with mitigation, would result in less than significant impacts. The project site is adjacent to an existing grove of eucalyptus trees that has been designated as an environmentally sensitive habitat area (ESHA). As such, the project is required to be designed in accordance with the provisions of Chapter 221 of the HBZSO, which includes performance standards for development adjacent to an ESHA. Compliance with these provisions would ensure that impacts from the proposed project on the ESHA would be minimized. The project site does not contain any wetland areas and is located outside of the required buffer area for delineated wetlands on the adjacent (Shea) property to the east. The drainage concept for the proposed project and compliance with applicable requirements related to water quality and water discharge would ensure that impacts to downstream waters, including the Bolsa Chica Wetlands, would be less than significant. Finally, the project complies with the minimum buffer requirements for development adjacent to an ESHA pursuant to the HBZSO and the City's certified Local Coastal Program. Notwithstanding compliance with the minimum buffer requirements, the project's proposed distance to the ESHA east of the project site has been analyzed by a qualified biologist and determined to be adequate in terms of minimizing impacts to the ESHA.

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 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character considering the following guidelines:

- a. Modulate and articulate building elevation facades and masses (avoiding undifferentiated “box-like” structures).
- b. Avoid building materials, colors, and construction elements that visually dominate their setting and contrast significantly with the character of their neighborhood.
- c. Minimize the amount and width of the paving of front yards for driveway and garage access.
- d. Encourage innovative and creative design concepts.
- e. Locate and design garages so that they do not dominate the street frontage.

The project is proposing to provide 22 single-family residential units in an area with existing single- and multi-family residential uses. The design of the units is proposed to be similar to the Brightwater development and incorporates varying elevations and architectural features. The front yard setbacks will be varied throughout the development to add visual interest from the street. The project is proposing to design and construct the homes using “green” building concepts including the integration of solar roof panels utilizing the most up-to-date technology and pervious surfaces in the streets and driveways. The proposed project design and zoning text amendment request would allow required 3-car garages to be constructed to appear as two-car garages with a tandem configuration inside. This would minimize the width of driveway paving and garage access that would otherwise dominate the front yard. In addition, some of the dwellings would include porte-cochere features with access to a two-car garage toward the rear of the property with the garage door for the third car garages facing into the property. In these plans, no garage would dominate the street frontage. The proposed zoning text amendment would be beneficial for future PUD developments 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 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 on architectural quality by incorporating more landscaping, porch elements and other architectural features.

B. Coastal Element

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.

Policy 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.

Policy 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.

Policy 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

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 project, as part of the proposed public benefit, 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 unimproved, informal path on the adjacent Shea property that would ultimately provide noticeable access to the Bolsa Chica Wetlands, via an existing path along the Orange County Flood Control District channel, from Bolsa Chica Street. In addition to the enhanced 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 existing coastal recreation areas. The project does not propose entry gates or other entry or parking restrictions. Access to the street and on-street parking would be available to the general public.

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. 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 that no construction would occur other than minimal grading and landscaping. In addition, the proposed drainage system would further protect the slope from potential impacts from runoff and erosion. Environmental impacts from the proposed project were analyzed in Recirculated Draft MND No. 08-016. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

C. Urban Design Element

Goal UD 2: Protect and enhance the City's public coastal views and Oceanside character and screen any uses that detract from the City's character.

Objective UD 2.1: Minimize visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height and site orientation.

The proposed design of the residential project would be consistent with existing residential uses in terms of density and scale. In addition, the project is proposed to incorporate a coastal architectural design theme, which would be consistent with the City's "Surf City" character. The proposed project would retain existing public coastal views from the City-owned parcel north of the project site at the eastern edge of the proposed 30-foot wide access trail. The project would also preserve the existing slope along the eastern perimeter of the project site as a scenic resource.

D. Recreation and Community Services Element

Goal RCS 2: 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 and its sphere of influence.

Policy: 2.1.5: Provide for the inclusion of recreational trails in new developments which link with the existing or planned trails.

Although the project is proposing to amend the existing land use designation from Open Space – Parks to Residential Low Density, the project would be providing for additional recreational opportunities. The project is proposing an approximately 5,776 square foot (0.13 acre) common open space area to provide a recreational amenity for the residents of the project as well as the general public. The project is also required to pay park in-lieu fees as required by the HBZSO to contribute to future recreational opportunities. The project is proposing, as part of the public benefit for the PUD request, to improve an existing City-owned parcel north of the project site with a landscaped trail to provide for improved access to an existing informal path on the adjacent Shea property. The improvements would provide enhanced access to the coast by linking Bolsa Chica Street to the informal path on the Shea site to the existing Orange County Flood Control District channel and ultimately, to the Bolsa Chica Wetlands.

E. Environmental Resources/Conservation Element

Goal ERC 2: Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic values.

Objective ERC 2.1: Evaluate, enhance, and preserve the City's important habitat areas.

Policy ERC 2.1.1: Acquire and maintain the most current information available regarding the status and location of sensitive biological elements (species and natural communities) throughout the City.

A biological resources assessment was prepared by a qualified biologist for the project. The biological resources assessment presents the most current information on potential resources on the project site and also identifies existing resources within the vicinity of the project site. The project site is located on the Bolsa Chica Mesa and surrounding resources include a grove of primarily eucalyptus trees that have been designated as an Environmentally Sensitive Habitat Area (ESHA) on the Shea property east of the project site. There is also a designated wetland area on the Shea property in the vicinity of the project site at the toe of the slope. The project's design, in addition to applicable HBZSO requirements for development adjacent to an ESHA, will ensure that impacts to surrounding resources would be minimized from development of the project. While the project site does not contain any sensitive resources, there is potential for two special status species, burrowing owls and southern Tarplant, to occur on the site. Mitigation measures recommended for Recirculated Draft MND No. 08-016 require pre-construction surveys to determine the presence of these species on the project site. The mitigation measures also require additional provisions, in accordance with established protocols, to protect the special status species if they are determined to be present on the project site.

Goal ERC 6: Protect and enhance the beneficial uses of our receiving waters.

Objective ERC 6.1: Minimize impacts from urban runoff into receiving waters.

Policy ERC 6.1.1: Create and implement means to reduce the quantity and improve the quality of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls and Best Management Practices into new development and redevelopment land use decisions.

Policy ERC 6.1.6: Ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat.

The project's proposed storm drain system would limit the amount of post-construction runoff to ensure that impacts due to runoff 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 during larger storm events. The project, as designed and with implementation of a WQMP, which incorporates Best Management Practices (BMPs), would not result in substantial increases in the rate and volume of post construction runoff that would adversely impact the beneficial use of downstream waters. Finally, the proposed storm drain system and use of pervious surfaces in the streets and driveways would serve to protect the adjacent slope from runoff that could cause environmental harm to the slope and sensitive resources below the slope.

Zoning Compliance:

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 the Coastal Zone overlay.

The following zoning conformance matrix compares the proposed project with the development standards of the RL (Low Density Residential) zoning and other applicable code requirements.

TABLE 1 – ZONING CONFORMANCE MATRIX

SECTION	ISSUE	CODE PROVISION	PROPOSED
210.06	Lot Area	Min. 6,000 sq. ft.	Ranges from 5,114 sq. ft. to 12,250 sq. ft. (6 lots are proposed to be less than 6,000 sq. ft.)
	Lot Width Cul-de-sac width	Min. 60 ft. Min. 45 ft.	Ranges from 17.39 ft. to 65 ft. (14 lots are proposed to have less than 60 ft. of lot width)
	Density	1 unit/lot	1 unit/lot
210.06	Building Height	Max. 30 ft. from top of subfloor to roof peak; 35 ft. w/ CUP	Complies (Tallest height proposed at 29 ft. 6 in.)
210.06	Lot Coverage	Max 50%	Complies (Maximum proposed lot coverage proposed at 48%)
210.06	Setbacks		
	Front	Min. 15 ft.	Complies
	Side	Min. 5 ft.	Complies
	Street Side	Min. 10 ft.	Complies
	Rear	Min. 10 ft.	Complies
	Garage Front entry Side entry	Min 20 ft. Min 10 ft.	Complies Not proposed
230.70.C	Grading	Max. 3 feet between high and low points of existing grade	15 feet between high and low points of existing grade (CUP request)
231.04.B	Off-Street Parking - Number of spaces	2 enclosed+2 open/up to 4 BR unit 3 enclosed+3 open/5+ BR unit	Complies (ZTA request to allow alternative parking configurations, which would be applicable to proposed project)
210.06 232.08.B	Landscaping	40% front yard setback 1-24" box tree per lot < 45 ft. in width; 1-36" box tree per lot ≥ 45' in width	Landscape plan to require 40% landscaping within front yard setback and comply with tree requirements
230.88	Fences & Walls	Max. 8 ft. high along perimeter of side and rear yards abutting arterial; Max. 8 ft. high along perimeter abutting open space; Max. 6 ft. high interior fencing separating properties	Perimeter – 8 ft. high max. from exterior elevation, 6 ft. high from interior elevation; 6ft. high max. along interior property lines

Urban Design Guidelines Conformance:

The Huntington Beach Urban Design Guidelines contains guidelines specific to single-family residential development. The project generally conforms to the objectives and standards contained in the Guidelines. The project would comply with general design objectives providing high quality architectural and landscape design in scale with existing residential development surrounding the project site and preserving natural amenities such as the existing slope along the eastern perimeter of the site.

The project proposes to incorporate several guidelines for building siting/lot design including varied front setbacks, varied building design and consideration of garage location. The project proposes to vary front setbacks within each lot so that the project does not appear to be a straight line of houses from the street view. The project is also proposing tandem parking configurations for required three-car garages to minimize the dominance of garage doors facing the street. One of the plans includes a porte-cochere feature with a two-car garage located toward the rear of the property and a separate third car garage with the door facing the inside of the property rather than the street. In terms of building design, the project is proposing to provide eight different floorplans and six architectural styles with a unifying coastal theme including: Light Craftsman, Light Victorian, American Traditional, The Hamptons, Laguna Beach cottage and Florida Seaside. The project complies with open space guidelines providing for a centrally located passive common open space area. In addition, the topography of the existing slope on the eastern perimeter of the project site is proposed to remain.

The project is proposing “high-quality” architecture as encouraged by the design guidelines. Articulation and architectural details are proposed on all four sides of each home. In addition, the project is proposing to incorporate front porches, second story balconies, a mix of hip and gable roofs and vertical and horizontal roof articulation.

Environmental Status:

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. The City received 12 comment letters on Recirculated Draft MND No. 08-016.

All comments as well as staff's responses to comments are included in Attachment No. 9. Comments from the Environmental Board are discussed below.

Environmental Board Comments:

The Environmental Board submitted a comment letter (included in Attachment No. 9) during the initial comment period for the environmental assessment. While the Environmental Board's letter did not raise any environmental issues with respect to the draft mitigated negative declaration, the letter stated that the Board would not generally support the project's request to amend the General Plan land use designation. However, since the project is proposed to incorporate "green" building practices as a public benefit of the project, the Board would recognize these features of the project as an adequate exchange for the project's requests. In addition, the Board recommended that the project meet specified criteria under LEED Gold or Platinum and be 5% greater than the State Energy Requirements required by Title 24. The Board also presented concerns that sufficient space be provided in the kitchens to store recyclables and to assure space is provided for trash, recycle, and green waste carts on each property. The Board believes that tandem parking would make this problematic. The Board also stated that the proposed project should be used as an example for future project proposals that seek variances, zoning changes, and/or code text amendments.

Prior to any action on the project, it is necessary for the Planning Commission to review and act on Recirculated Mitigated Negative Declaration No. 08-016. Staff, in its initial study of the project, is recommending that the proposed recirculated mitigated negative declaration be approved with findings.

Coastal Status:

The project is located in the appealable area of the coastal zone. As such, the proposed coastal development permit is appealable to the Coastal Commission. A ten working day Coastal Commission appeal period will begin upon the conclusion of the 10-day appeal period following Planning Commission action.

Local Coastal Program Amendment No. 09-002 is subject to review and approval by the California Coastal Commission. Consequently, the legislative amendments for the proposed project would not become effective until the Local Coastal Program amendment is certified by the Coastal Commission. Both the coastal development permit and Local Coastal Program amendment are analyzed in this report.

Redevelopment Status: Not applicable.

Design Review Board:

The Design Review Board reviewed the proposed project on January 14, 2010. Although residential projects such as the proposed project do not typically require review by the Design Review Board (DRB), the project was referred to the DRB primarily to review the sustainable/'green' aspects of the project. The DRB generally supported the project design as well as the sustainable aspects and provided recommendations for the Planning Commission to consider. A copy of the DRB's recommendations has previously been provided to the Planning Commission and is available for review at the Planning and Building Department.

Subdivision Committee:

The Subdivision Committee reviewed the proposed subdivision and tentative map on January 28, 2010 and voted 6-0 to recommend approval of the request to the Planning Commission with suggested conditions of approval. The Subdivision Committee reviewed the tentative tract map for compliance with the Subdivision Map Act and applicable provisions of the HBZSO. A copy of the minutes of the meeting has previously been provided to the Planning Commission and is available for review at the Planning and Building Department.

Other Departments Concerns and Requirements:

Comments from other City Departments have been transmitted to the applicant separately and have been compiled into a code requirements letter transmitted to the applicant. In addition, the evaluation of environmental factors included in Recirculated Draft Mitigated Negative Declaration No. 08-016 reflect and is based in part on consultation with the Departments of Community Services, Fire, Police, and Public Works.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 15, 2010, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department’s Notification Matrix), applicant, and interested parties. As of April 20, 2010, no written communication in response to the notice has been received

Application Processing Dates:

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

The project application was submitted on November 3, 2008 and deemed complete on June 3, 2009. Subsequent to the determination of a complete application, new information pertaining to the application was submitted to the Planning and Building Department and accepted as complete on March 2, 2010.

ANALYSIS:

The primary issues for the Planning Commission to consider are the amendments to General Plan and Local Coastal Program land use designations from Open Space – Park to Residential Low Density; the proposed zone change from Residential Agricultural – Coastal Zone Overlay to Residential Low Density – Coastal Zone Overlay; the proposed zoning text amendment to amend Chapter 210.12 of the HBZSO pertaining to planned unit developments; the land use compatibility of the proposed 22-unit single-family subdivision development with the surrounding properties; the project’s potential environmental impacts;

the proposed public benefits associated with the request to construct the project as a planned unit development; and construction of the site with an existing grade differential exceeding three feet.

Land Use Amendments

Background

The approximately 5-acre project site was incorporated into the City in 1970. At the time it was incorporated, both the General Plan land use and Zoning Map designations were for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At the time, large scale development that included approximately 3,000 residential units, was being considered by the County for the Bolsa Chica, including the mesa and lowland areas. In anticipation of the development, the City re-designated an area that included the project site to Open Space – Recreation (subsequently changed to Open Space – Park) on the City’s Land Use Plan, which was certified by the Coastal Commission in 1982. Then, in 1984, the City re-zoned the same area to Residential Agricultural. The Residential Agricultural zoning designation was reflective of the existing agricultural use of the site and was determined, at the time, to be consistent with the Open Space – Recreation land use designation. Today, the amount of development that was once contemplated for the Bolsa Chica area has been considerably scaled back in what ultimately resulted in the 349-unit Brightwater development on the Bolsa Chica Mesa with no development occurring in the lowlands.

General Plan Amendment

The project proposes to change the existing General Plan land use designation from Open Space – Park to Residential Low Density. Existing General Plan land use designations surrounding the project site include Residential Low Density to the west, Residential Medium High Density to the north, Suburban Residential (County of Orange) to the south and Open Space – Conservation and Residential Low Density to the east. The Brightwater development west of the project site does not have a General Plan land use designation, but is developed with single-family residential and open space/conservation uses. In terms of compatibility with surrounding land use designations, the proposed change from Open Space – Park to Residential Low Density would be consistent with surrounding designations.

Although the project site is designated Open Space – Park, the site is not currently used for a public park or public open space area. In addition, the property is not included on the City’s inventory of parks and the City’s Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the City, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment would not result in the loss of existing park space, passive public open space or planned future park and recreational opportunities.

Currently, under the Open Space – Park land use designation, the project site would be permitted to develop as a public park or public recreational facility. No other uses would be permitted and the property owner would not be able to develop any of the uses allowed under its current Residential Agricultural zoning designation. Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the property owner. The proposed General Plan Amendment would allow the property

owner to develop the property and would eliminate a current inconsistency between the General Plan and zoning land use designations.

Zoning Map Amendment

The project site is currently zoned Residential Agricultural (RA) with a Coastal Zone overlay and allows agricultural uses, single-family dwellings, nurseries and temporary uses such as storage yards. Based on the lot size, the existing zoning designation would allow up to five single-family dwellings on the property. However, as previously mentioned, none of these uses would be consistent with the current Open Space – Parks land use designation. 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 has not been used for agricultural uses in over five years, the RA zoning designation is no longer the appropriate zoning designation. Properties to the north, northwest and west are zoned and developed with single- and multi-family residential uses. The Shea property to the east has zoning designations for single-family residential uses as well as open space/conservation areas. The Brightwater development southwest of the project site has a Specific Plan zoning designation, but is developed with single-family residential uses and open space/conservation areas. Property to the south, known as the Goodell property, is located in the County of Orange and has a zoning designation of Planned Community (PC), which is a designation that allows single-family residential uses at a density of 6 – 12 units per acre. In addition, the City has approved pre-zoning designations for the Goodell property that include single-family and open space uses. The proposed zoning map amendment to RL (Residential – Low Density) with a Coastal Zone overlay would be compatible with existing zoning designations surrounding the project site as well as the proposed General Plan land use designation.

Coastal Issues

The project is requesting to amend the City’s certified Land Use Plan from Open Space – Park to Residential Low Density similar to the General Plan amendment request. According to the Coastal Act, the Open Space – Park designation is considered a higher priority land use designation than a residential land use designation because the Coastal Act places higher priority on coastal recreational resources than private residential uses to ensure that coastal recreational opportunities are provided to all people. However, as discussed under the General Plan Amendment analysis, the site is not currently developed with a park or recreational resource. In addition, there is no plan for the property to be used for recreational opportunities in the future. Therefore, the proposed amendment to the Land Use Plan will not result in the loss of a higher priority coastal recreational resource. Existing recreational and open space opportunities are available in the vicinity that would serve the approximately 57 potential new residents from the project. In addition, a 5,776 square foot (0.13 acre) common open space area would be provided by the project, thus, providing a recreational resource in the Coastal Zone that does not currently exist. Finally, as part of the proposed public benefit, a 30-foot wide City-owned parcel north of the project site is proposed to be improved to provide enhanced coastal access to existing coastal recreational and open space areas. Although the parcel is currently owned by the City, it is an unimproved, vacant lot and does not provide signage, a pathway, or any other noticeable demarcation of coastal access. Only people that are already familiar with the area would know that coastal access exists from this parcel. Thus, amending the Land Use Plan would not be inconsistent with the Coastal Act in that recreational opportunities would continue to be provided for all people and the project would be contributing to the enhancement of coastal recreational resources in the area.

Land Use Compatibility

The project proposes 22 single-family residential units on an approximately five acre parcel. The project is consistent with other single- and multi-family residential uses surrounding the project site with respect to density, height, lot size and architecture. The proposed architecture is similar to the architecture of the existing Brightwater development west of the project site across Bolsa Chica Street. Proposed lot sizes are within the range of lot sizes in the single-family developments of Sandover and Brightwater west of the project site in addition to existing single-family lots along Los Patos Avenue. The two-story homes propose heights up to 29 feet 6 inches and are compatible with the existing heights of the two- and three-story developments north, northwest and west of the project site. The project's density of 6.4 units per net acre (4.4 units/gross acre) is consistent with the proposed land use and zoning designations, which permit a maximum of seven dwelling units per acre as well as compatible with the existing densities of the adjacent Brightwater and Sandover single-family developments. Although properties north of the project site are designated and developed with greater densities, single-family and multi-family residential are generally compatible uses. In addition, the proposed project is more appropriately proposed as a low density single-family residential development since single-family residential uses would be more compatible with the preserved open space/conservation areas within the vicinity of the project site.

Zoning Text Amendment

The proposed zoning text amendment would change the planned unit development (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 proposed changes would not allow reductions in the number of parking spaces required for a project, but would allow required parking spaces to be provided in an alternative configuration as long as the total number of parking spaces required is provided within the development site. Specifically, the zoning text amendment would allow a PUD to satisfy required enclosed parking spaces in a tandem configuration. Currently, Chapter 231 of the HBZSO requires all parking spaces to be in a side by side configuration. In addition, required open parking spaces could be satisfied through the availability of on-street parking. The new standards would only be applicable to PUD projects and would be evaluated on a project-specific basis to ensure that projects designed to incorporate the new standards would not be detrimental to the overall design or surrounding properties.

The proposal to allow tandem parking configurations in enclosed parking space areas is consistent with previous decisions of the City. In 2008, the City approved a high density residential development allowing a portion of the required parking spaces to be in a tandem configuration. More recently, an update to the Downtown Specific Plan was approved wherein all single- and multi-family residential uses would be allowed to provide required parking spaces in a tandem configuration. In terms of applicability for future PUD developments, the proposed zoning text amendment would allow for more diversity in a project's site layout and design. PUD projects could achieve a more diverse development configuration, provide more open space and propose more distinct features with the flexibility the proposed amendment would provide. 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. The allowance to satisfy open parking space requirements through the availability of on-street parking would be consistent with the nature of PUD projects. PUD projects can include a mix of multi-family and single-family developments as well as commercial components. While the City does not process many requests for PUD projects, they are generally residential in nature and consist of either multi-family or single-family developments. Requests to allow a proposal to satisfy

required open parking spaces through on-street parking should only be approved if the request contributed to the overall quality of the project design and would not result in inadequate parking for the development.

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 is consistent with the overall project site layout with narrow lot widths and varied setbacks that are configured around an open space area. Since 10 units are proposing tandem garage configurations, only two of the three open parking spaces required for the unit can be satisfied in the driveway area. Therefore, 10 required parking spaces are proposed to be satisfied through the availability of on-street parking. The allowance for open parking spaces to be satisfied through on-street parking in this instance is similar to existing HBZSO allowances for single-family dwellings. Currently, an existing single-family dwelling (1994 or earlier) that proposes to increase the number of bedrooms to five or more would be required to provide a two-car garage and three open parking spaces. One of the required open parking spaces can be met through the available on-street parking adjacent to the dwelling. The proposed project is consistent with this existing allowance and in addition to the required open parking spaces, would be providing 13 additional on-street parking spaces that would be available to the general public.

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. The standards, as applied to the proposed project, would result in a better architectural design and project site layout and would still provide adequate parking for the residential units in addition to 13 public parking spaces that do not currently exist. If the zoning text amendment is not approved, the applicant would have to eliminate one to two bedrooms from each of the 10 units in order for the project's proposed site plan to comply with the City's existing parking requirements. As another option, the applicant could choose to re-design the project's overall site plan to gain more garage and driveway space for the 10 applicable lots.

The proposed zoning text amendment also includes language recommended by staff to clarify the requirement for PUD projects to provide a public benefit. The HBZSO does not currently state the requirement explicitly although the definition of a PUD suggests the provision of a public benefit by stating that PUD projects are large scale developments "having a predominant development feature which serves to unify or organize development." Recognizing that PUD projects, in the general planning sense, provide public benefits, the City has interpreted the existing PUD definition as a requirement for PUD projects to provide a public benefit. The proposed zoning text amendment includes language that clarifies this requirement and would make the provision of a public benefit a standard for all PUD projects.

Environmental Impacts

Recirculated draft MND No. 08-016 analyzes the potential environmental impacts associated with the project site. The analysis concludes that, with mitigation, the project would result in less than significant environmental impacts. The analysis in the environmental assessment relies on a geotechnical feasibility study, a preliminary Water Quality Management Plan (WQMP), the project plans as well as other technical information compiled for the project. Because the project is located on the Bolsa Chica Mesa and adjacent to preserved open space areas, archeological and biological resources studies were also prepared for the project.

Cultural Resources

Impacts to cultural resources were analyzed based on an Archeological Resources Report that was prepared for the project in May, 2009. The report was peer reviewed by members of the Bolsa Chica Peer Review Committee in December 2009. The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission. The peer review corroborated the conclusions of the archeological report.

The project site contains portions of the archeological site CA-ORA-86. The archeological report for the project provides a description of prior investigations of the archeological site dating back to the 1920s. In 2001, a research design program to investigate the presence of CA-ORA-86 on the entire project site was conducted. The 2001 investigation consisted of a multi-phased program, which included subsurface excavation. Resources from the investigation were hand excavated and documented. Today, study of the recovered materials is still ongoing as they are being analyzed in the context of the overall archeological sites on the Bolsa Chica Mesa. Nevertheless, the research design program that was conducted on the entire project site in 2001 resulted in the recovery of any remaining intact resources. It is unlikely that any significant deposits remain on the project site. As such, impacts from development of the project site on cultural resources would be less than significant. As added precaution, mitigation measures are recommended to require archeological and Native American monitoring during site grading and construction to ensure the proper treatment, including the option of preservation in place, of any resources or human remains discovered on the project site.

Biological Resources

The potential for impacts from the proposed project on biological resources within and surrounding the project site was analyzed in Recirculated Draft MND No. 08-016. The analysis in the environmental assessment is based on a biological resources assessment that was prepared by a qualified biologist. The City retained a separate biological firm to review the biological resources assessment, which agreed with the analysis and conclusions of the report.

The biological resources assessment determined that the project site would result in potential impacts to two special status species, burrowing owls and southern Tarplant. Although these two species do not currently exist on the project site, they have the potential to occur on the site and mitigation is required to ensure that no significant impacts would occur as a result of the proposed development. The mitigation measures require surveys to determine presence of the species on the project site prior to construction-related ground disturbance. If presence of either species is determined to be on the site, further mitigation is required in accordance with established protocols for the respective species.

The biological resources assessment also analyzed the project's potential impacts to surrounding resources, specifically the ESHA east of the project site. The biological resources assessment concluded that due to several factors including the project's design, the requirements of Chapter 221 of the HBZSO for development adjacent to an ESHA, the adaptability of raptors that use the ESHA and the project's distance from the ESHA, impacts to the ESHA would be less than significant. In addition, the project's drainage concept, as analyzed in the Geology and Soils and Hydrology and Water Quality sections of the environmental assessment conclude that runoff from the proposed project would not result in potentially significant impacts to the existing slope, the designated wetland on the eastern Shea property and the beneficial use of downstream waters.

Planned Unit Development (PUD)

PUD projects in general allow flexibility in land use controls and site design in order to produce a project that would not otherwise be achievable under the strict application of the zoning standards that would apply to a project. The HBZSO allows PUD projects to deviate from the requirements of minimum lot size and lot width. Because a PUD is afforded more flexibility in land use and site design, a public benefit is generally provided. The HBZSO allows PUD projects to deviate from the requirements of minimum lot size and lot width. The proposed project would be deviating from the minimum 6,000 square foot lot size for six of the 22 lots. The project is also proposing to deviate from the minimum 60-foot lot width in 14 of the proposed lots. The project is proposing two public benefits: the improvement of an existing 30-foot wide City-owned parcel for the enhancement of public coastal access and the incorporation of green building standards to become the City's first "green" residential project.

An existing 30-foot wide City-owned parcel immediately north of the project site is currently undeveloped and would be improved with a 6-foot wide meandering trail and landscaping buffer that would connect to an existing informal, unimproved path on the adjacent Shea property east of the project site to provide enhanced coastal access. The path on the Shea site connects to an existing paved path along the Orange County Flood Control Channel, which ultimately accesses the Bolsa Chica Wetlands. Members of the public can currently use this access, but since the site is unimproved and provides no signage, only people that are familiar with the area take advantage of this access point. The project is conditioned to provide this improvement prior to occupancy of the first residence and the Homeowners' Association would be required to maintain the trail.

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 in the streets and driveways, Energy Star-rated homes, 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. A condition of approval is recommended to ensure that the project is constructed to achieve a minimum rating of Leadership in Energy and Environmental Design (LEED) Silver and exceed the State's Title 24 – Energy Efficiency Standards by 15 percent.

The proposed public benefits would adequately provide benefits commensurate with the project's PUD proposal.

Tentative Tract Map

The proposed tentative tract map consists of 22 single-family lots and nine lettered lots. Access to the tract will be taken from Bolsa Chica Street. The internal streets are proposed to be designed at a standard width of 36 feet from curb to curb, except where the street narrows around the common open space area. In this area no on-street parking is provided. Four-foot wide sidewalks will be located on both sides of the street with a rolled curb layout. The design of the internal streets provides adequate access for fire engines and turnaround areas. A homeowners association will maintain the streets, landscaping and common area improvements including the proposed 30-foot wide landscaped access trail on the City-owned parcel. A 13-foot wide landscaped parkway will be provided along Bolsa Chica Street designed to match the existing 13-foot wide landscaped parkway on the west side of Bolsa Chica Street. The proposed tentative tract map has been reviewed by the Fire and Public Works Departments for compliance with applicable

codes and regulations. In addition, the proposed subdivision can be adequately served by existing infrastructure. As mentioned previously, the Subdivision Committee reviewed and approved the proposed tentative tract map subject to conditions of approval, which are incorporated in Attachment No. 1. It should be noted that several of the conditions of approval recommended by the Subdivision Committee have been more appropriately incorporated as conditions of approval for the coastal development permit/conditional use permit for the project. However, none of the conditions recommended by the Subdivision Committee have been deleted. Staff supports the overall access and design of the proposed tentative tract map layout because it meets the City's standards and assists in achieving the overall design concept for the project.

Grade Differential

The approximately 5-acre project site is located on the Bolsa Chica Mesa. The project site is generally flat, however, portions of the site (from the midpoint of the site to the eastern boundary) slope gradually from west to east at elevations ranging from approximately 49 feet above mean sea level (msl) to approximately 35 feet msl. The existing elevation of the area of the project site proposed to be developed with homes ranges from approximately 50 feet msl to approximately 40 feet msl. Finished pads on the west side of the project site, adjacent to Bolsa Chica Street, are proposed to remain relatively the same as the existing elevation and would not be elevated higher than the existing elevation of Bolsa Chica Street. The project would be two to three feet higher than the undeveloped property south of the project site and four feet higher than the 30-foot wide City-owned parcel proposed to be improved with a landscaped public access trail. The eastern portion of the site (not including the slope) adjacent to the Shea property would be raised three to nine feet over existing elevations. Although, the site includes a grade differential greater than three feet, the project is designed such that the existing eastern slope would be preserved, which is consistent with the policies of the Coastal Element. In addition, the project's drainage concept is designed such that the slope and existing resources below the slope on the Shea property to the east would not be negatively impacted from development of the project site, including the project's grading design.

SUMMARY:

Staff recommends that the Planning Commission approve the proposed amendments to the zoning and General Plan land use designations for the subdivision and development of 22 single-family dwellings and associated infrastructure in the coastal zone. The proposed project will be compatible with existing zoning and General Plan land use designations surrounding the project site. In addition, the proposed project would not result in the loss of an existing or planned park or recreational facility, despite its existing Open Space – Parks designation. The project's design will be compatible with surrounding residential uses with respect to density, building height, lot size and architectural design. The project will not result in significant adverse impacts to the environment. The project will comply with the provisions of the HBZSO, and the Subdivision Map Act, and be consistent with the goals and policies of the General Plan and the Coastal Act. The proposed zoning text amendment is consistent with recent City decisions with respect to tandem parking and will result in PUD projects with higher quality site design while providing for adequate parking. The project will provide enhanced coastal access through improvement of an existing, vacant City-owned parcel. Finally, the project will result in the development of the City's first "green" residential project.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Recirculated draft MND No. 08-016; Zoning Map Amendment No. 08-007; Zoning Text Amendment No. 09-008; Local Coastal Program Amendment No. 09-002; Tentative Tract Map No. 17294; Coastal Development Permit No. 08-022; and Conditional Use Permit No. 08-046
2. Draft City Council Resolution No. ___ for General Plan Amendment No. 08-011
3. Draft City Council Ordinance No. ___ for Zoning Map Amendment No. 08-007
4. Draft City Council Ordinance No. ___ for Zoning Text Amendment No. 09-008
5. Draft City Council Resolution No. ___ for Local Coastal Program Amendment No. 09-002
6. Map of surrounding developments and resources
7. Excerpt of Chapter 221.10 – Requirements for New Development Adjacent to Environmentally Sensitive Habitat Area
8. Recirculated draft MND No. 08-016
9. Response to Comments and Errata to Recirculated draft MND No. 08-016
10. Site plans, floor plans and building elevations dated & received, May 4, 2009

SH:MBB:JV:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

SUGGESTED FINDINGS FOR APPROVAL – RECIRCULATED DRAFT MND NO. 08-016:

1. Recirculated Mitigated Negative Declaration No. 08-016 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on Recirculated Mitigated Negative Declaration No. 08-016, 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 and Conditional Use Permit No. 08-046.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to biological and cultural resources. The proposed biological resources mitigation measures would ensure that impacts to two special status species, burrowing owls and southern Tarplant, with the potential to occur on the site would be less than significant. The cultural resources mitigation measures require archeological and Native American monitoring during ground disturbing activities. The mitigation measures also specify procedures if human remains are discovered during construction of the project. The project site has undergone archeological testing and excavation and it is not anticipated that intact deposits remain on the site. However, the mitigation measures would ensure that impacts would be less than significant in the unlikely event that resources are discovered during grading and construction activities.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. The project consists of an amendment to the existing General Plan and zoning land use designations as well as the Coastal Land Use Plan for the subdivision of the project site and construction of 22 single-family residences and associated open space, street and infrastructure improvements in the coastal zone. The project also consists of an amendment to the Chapter 210.12 – PUD Supplemental Standards and Provisions to allow alternative parking configurations for planned unit developments. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements and the recommended mitigation measures.

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 08-007:

1. Zoning Map Amendment No. 08-007 represents a change to the Huntington Beach Zoning Map (District Map #33) to rezone the project site from Residential Agricultural – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ). The proposed amendment is consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program. The proposed change is also consistent with General Plan Amendment No. 08-011, which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed

change in zoning because surrounding land uses include low density residential to the west, high density residential uses to the north and low density and open space uses to the east. In addition, the City recently approved pre-zoning and annexation of existing County property south of the project site. The approved pre-zoning designations include low density and open space uses. As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The change proposed would be compatible with the uses in the vicinity, which include low density residential uses. The project's design and compliance with applicable code requirements would ensure that impacts to existing preserved open space areas east of the project site are minimized.
3. A community need is demonstrated for the change proposed. The change would expand opportunities for housing and address the needs of a growing population. The proposed development associated with the zoning map amendment will contribute to existing recreational resources in the area through the provision of a 0.13-acre passive open space area consistent with the City's General Plan and Local Coastal Program. The project will also provide for enhanced coastal access through the improvement of an existing 30-foot wide City-owned parcel and the addition of 13 parking spaces that would be available for the general public.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible land uses and eliminate an existing zoning designation that is no longer appropriate for the site. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 09-008 :

1. Zoning Text Amendment No. 08-004 will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because the proposed changes to the Planned Unit Development Supplemental Standards and Provisions would allow projects to provide required enclosed parking spaces in a tandem configuration that would minimize the width of driveway paving and garage access that may otherwise dominate the front yard. Reduction in a project's potential for garages to dominate the street frontage would then allow for front yards to have more of an emphasis on architectural quality by incorporating more landscaping, porch elements and other architectural features consistent with the Land Use Element of the General Plan. In addition, the proposed zoning text amendment would clarify the requirement for a planned unit development to provide a public benefit.
2. In the case of general land use provisions, the proposed zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed changes would not allow reductions in the number of parking spaces required for a project, but would allow required parking spaces to be provided in an alternative configuration as long as the total number of parking spaces required is provided within the development site. The new

standards would only be applicable to PUD projects and would be evaluated on a project-specific basis to ensure that projects designed to incorporate the new standards would not be detrimental to the overall design or surrounding properties.

3. A community need is demonstrated for the change proposed. The proposed changes to the Planned Unit Development Supplemental Standards and Provisions would allow for flexibility in land use regulations so that a more distinct development can be provided with a greater emphasis on public benefits. The proposed amendment would 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. The proposed amendment would allow for more diversity in a project's site layout and result in a better overall design while still providing for adequate parking.
4. The proposed changes would be in conformity with public convenience, general welfare and good zoning practice in that the provisions would allow for alternative configurations in the provision of parking spaces, while still providing for adequate parking facilities within a development project. PUD projects could achieve a more diverse development configuration, provide more open space and propose more distinct features with the flexibility the proposed amendment would provide. The allowance to permit tandem parking configurations and satisfy open parking space requirements through the availability of on-street parking would be consistent with the nature of PUD projects. Finally, the new standard to allow tandem parking configurations is consistent with previous City decisions to allow tandem parking configurations for residential uses.

SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT

NO. 09-002:

1. Local Coastal Program Amendment No. 09-002 proposes to amend the Huntington Beach Local Coastal Program to reflect the proposed General Plan, Zoning Map and Zoning Text amendments. The amendments will allow single-family residential uses on the subject property. Although single-family residential is a lower priority use than recreational uses, the project site is not existing or planned for public recreational uses. The amendment would allow the property owner to develop the site and, in doing so, would contribute to the provision of enhanced coastal access and additional recreational resources through the proposed development consistent with the policies of the City's General Plan and California Coastal Act.
2. Local Coastal Program Amendment No. 09-002 is in accordance with the policies, standards and provisions of the California Coastal Act relative to residential development, land resources and public access. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing low density residential uses while promoting preservation of coastal views and enhancing public coastal access.
3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project proposes a 0.13-acre passive open space area and would provide 13 parking spaces available to the public that do not currently exist. The project will preserve existing public views of the slope along the eastern perimeter of the site and views from an existing 30-foot wide City-owned parcel that is proposed to be improved with development of the project site. No

existing coastal access will be impacted. In fact, coastal access would be enhanced through the proposed development project associated with the amendment.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 17294:

1. Tentative Tract Map No. 17294 for the subdivision of approximately 5 acres into 22 single-family residential lots and nine lettered lots for streets, open space and landscaped areas is consistent with the requirements of the RL zoning district with exceptions that are proposed as part of the Planned Unit Development (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 Huntington Beach Zoning and Subdivision Ordinance. The proposed subdivision is consistent with goals, policies and objectives of the General Plan Land Use Element and Coastal Element that govern new subdivisions and residential development. These goals and policies call for development that protects and enhances coastal resources, promotes public access and is in close proximity to other developments with adequate public services available.
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation and drainage perspective. The proposed subdivision will result in a density of 6.4 units per net acre (4.4 units/gross acre). The proposed density is below the allowable density of 7 per acre of the Residential Low Density land use designation for which the project is proposing to be designated. The proposed density would be consistent with, or lower than, existing surrounding developments.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously used for farming and has served as a construction staging area for an adjacent single-family residential project. The site does not contain significant habitat for wildlife or fish. Mitigation measures require pre-construction surveys to determine the presence of special status species on the project site. If special status species are present, further mitigation is required including avoidance measures and relocation techniques in accordance with established protocols for the respective species to ensure that no significant adverse impacts would occur. Design features of the project as well as compliance with the provisions of Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of existing resources adjacent to the project site.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No existing easements for the public at large will be affected by the project. The project will provide enhanced public coastal access through the improvement of an existing City-owned parcel north of the subject site.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 08-022:

1. Coastal Development Permit No. 08-022 for the subdivision a 5-acre parcel for the development of a 22-unit single family residential project and associated infrastructure in the coastal zone, conforms with the General Plan, including the Local Coastal Program. The project layout is consistent with the proposed Low Density Residential land use designation on the property and the applicable provisions of the Coastal Zone overlay standards of the City's certified Local Coastal Program as well as the Residential Low Density zoning standards, including exceptions allowed for PUD projects.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed development complies with all development standards except for the minimum lot width and size, which are permitted deviations for PUD projects.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will provide all required infrastructure consistent with the Local Coastal Program and City requirements.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact existing public access or recreation opportunities in the coastal zone. The project will preserve existing public views of the slope on the eastern perimeter of the project site as well as views from the 30-foot wide parcel north of the project site. The project will enhance existing coastal access opportunities within the vicinity through the improvement of an existing 30-foot wide City-owned parcel as well as the provision of 13 parking spaces that would be available to the general public.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-046:

1. Conditional Use Permit No. 08-046 for the development of the proposed 22-unit single-family Planned Unit Development (PUD) on a site with a grade differential of greater than three (3) feet from the low to the high point will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be graded to minimize impacts from erosion and drainage. The proposed grade differential to adjacent properties will not adversely impact surrounding undeveloped properties and open space areas. The resulting elevation will be the same as the adjacent elevation of Bolsa Chica Street and result in a development that is compatible with existing development west and north of the project site.
2. The conditional use permit will be compatible with surrounding single family residential and open space land uses. The project includes two-story homes that are similar to the surrounding developments; it also incorporates an adequate buffer area to preserve an existing slope along the eastern perimeter of the project site and provide for protection of environmentally sensitive habitat area east of the project site.

3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO requires projects proposed to be located on a site where the difference in grade is greater than three feet to obtain a conditional use permit. The project is not proposing to deviate from any other aspect of the HBZSO except for minimum lot size and width, which is allowed as part of a planned unit development.
4. The granting of the conditional use permit will not adversely affect the General Plan. The project, including the proposed grading design is consistent with existing policies of the General Plan Land Use Element that require developments to be compatible with the surrounding developments and properties. The proposed project, including the proposed grading concept, would result in a development compatible with other developments in the surrounding area while being sensitive to existing resources below the project site. In addition, it is consistent with the following goals and policies of the General Plan:

Policy ERC 6.1.6: Ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat.

Although, the site includes a grade differential greater than three feet, the project is designed such that the existing eastern slope would be preserved. In addition, the project's drainage concept is designed such that the slope and existing resources below the slope on the Shea property to the east would not be negatively impacted from development of the project site, including the project's grading design.

SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

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.
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 in-situ

preservation or scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

3. 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.
4. 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 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.

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.

3. At least 90 days before City Council action on the final maps, CC&Rs shall be submitted to the Departments of Planning and Building, 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. Comply with all applicable Conditional Use Permit No. 2008-046 and Coastal Development Permit No. 08-022 conditions of approval.
5. Comply with all mitigation measures adopted for the project in conjunction with EA No. 08-016.
6. 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 and Building 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 and Building Department Fee Schedule*).
 - d. All applicable Public Works fees shall be paid. (ZSO 250.16)

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT 08-022/
CONDITIONAL USE PERMIT NO. 08-046:**

1. The site plan, floor plans, and elevations received and dated May 4, 2009, shall be the conceptually approved design.
2. The project entitlements shall not be effective until Local Coastal Program Amendment No. 09-002 is certified by the California Coastal Commission.
3. The Development Services Departments (Fire, Planning and Building, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the City Council's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council may be required pursuant to the provisions of HBZSO Section 241.18.
4. The project shall comply with all mitigation measures adopted in conjunction with Recirculated Draft Mitigated Negative Declaration No. 08-016.
5. Prior to plan check submittal, the applicant shall submit a report, prepared by an accredited third party, that the project plans have been prepared in accordance with the criteria to achieve a LEED – Silver rating and exceed Title 24 requirements by 15 percent. The applicant shall also provide proof of retention of a third party inspector to ensure that the project is constructed according to all specifications as they relate to the LEED criteria. Prior to occupancy of the first residence, the applicant shall submit a final report by an accredited third party, stating that the project has achieved LEED – Silver certification including a breakdown of how certification was achieved and exceeded Title 24 requirements by at least 15 percent.
6. Prior to occupancy of the first residence, the 30-foot wide City-owned parcel north of the project site shall be improved with a landscaping and access trail. The applicant shall include language in the CC&Rs for the project that the trail shall remain open for public access and will not be closed off for the exclusive use of the residents of the proposed development.
7. Plans for the coastal access trail shall be submitted to the City of Huntington Beach concurrent with the project's plan check submittal. The plans for the trail shall include signage indicating public access and shall provide informational details about the entire coastal access path including length of the entire path to the Bolsa Chica Wetlands and nature of the terrain beyond the landscaped trail.
8. 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.

9. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
10. The project shall ensure compliance with the following requirements:
 - a. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within the resource protection areas.
 - b. Uses allowed adjacent to designated Environmentally Sensitive Habitat Areas shall assure the continuance of the habitat value and function of preserved and restored wetlands and ESHA.
 - c. Prior to final inspection of the first residential unit, with exception of the model homes, the following requirements shall be completed:
 - i. Landscape plans shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water plants, and plants primarily native to coastal Orange County. The plans shall be reviewed and approved by the City's landscape architect.
 - ii. A Domestic Animal Control Plan shall be submitted to and approved by the City of Huntington Beach 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.
 - iii. A Pest Management Plan shall be submitted to and approved by the City of Huntington Beach that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides, and herbicides in outdoor areas, except necessary Vector Control conducted by the City or County.
 - iv. Covenants, Conditions and Restrictions (CC&Rs) in a form approved by the Office of the City Attorney shall be recorded. 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.
 - v. The project applicant shall provide any buyer of a housing unit within the project an information packet that explains the sensitivity of the natural habitats adjacent to the project site and the need to minimize impacts on the designated resource protection areas, 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 Pest Management Plan and be required for all sales of housing units pursuant to the CC&Rs. The project applicant shall provide the City with a copy of the information packet.

- vi. Protective fencing or barriers shall be installed and maintained between the resource protection areas and areas developed for homes and recreational use for purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas; however, public access to designated passive recreational use areas shall be provided. Visual impacts created from any 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.

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.

DRAFT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH APPROVING
GENERAL PLAN AMENDMENT NO. 08-011**

WHEREAS, General Plan Amendment No. 08-011 proposes to amend Figure LU-5 of the Land Use Element of the City's General Plan to redesignate the land use designation of the real property consisting of an approximately 5-acre site generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue, as more particularly described as Exhibits "A" and "B" attached hereto, from Open Space – Parks (OS-P) to Residential Low Density – Seven dwelling units per acre (RL-7).

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 08-011 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 08-011; and

The City Council finds that said General Plan Amendment No. 08-011 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1: That the real property that is the subject of this Resolution (hereinafter referred to as the "Subject Property") is generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue, and is more particularly described in the legal description and map attached hereto as Exhibits "A" and "B", respectively, and incorporated by this reference as though fully set forth herein.

SECTION 2: That General Plan Amendment No. 08-011, which amends the General Plan Land Use designation from Open Space – Parks (OS-P) to Residential Low Density – 7 dwelling units per acre (RL-7) for the subject site, is hereby approved. The Director of Planning and Building is hereby directed to prepare and file an amended Land Use Map. A copy of said map, as amended, shall be available for inspection in the Planning and Building Department.

ATTACHMENT NO. 2.1

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2010.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Administrator

Planning and Building Director

ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: General Plan Land Use Map (Extract of Figure LU-5)

EXHIBIT A

ATTACHMENT NO. 2.3

LEGAL DESCRIPTION

EXHIBIT "A"

PROPOSED TRACT NO. 17294, BEING A SUBDIVISION OF:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, INCLUDED WITHIN THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE NORTHEASTERLY CORNER OF THAT CERTAIN 6.2 ACRE PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY; THENCE SOUTH 89° 58' 30" WEST 450.00 FEET ALONG THE NORTHERLY LINE OF SAID 6.2 ACRE PARCEL TO AN ANGLE POINT IN PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. 92-01 RECORDED SEPTEMBER 2, 1992 AS INSTRUMENT NO. 92-589755 OF SAID OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LAST ABOVE MENTIONED PARCEL 2, THE FOLLOWING COURSES: CONTINUING SOUTH 89° 58' 30" WEST 323.00 FEET AND NORTH 34° 02' 08" WEST 604.67 FEET TO A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF LOS PATOS AVENUE AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 THROUGH 28 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID PARALLEL LINE AND ITS EASTERLY PROLONGATION, THE FOLLOWING COURSES: SOUTH 89° 21' 32" EAST 639.80 FEET AND SOUTH 89° 35' 35" EAST 90.18 FEET; THENCE NORTH 0° 10' 29" EAST 30.00 FEET TO THE WESTERLY PROLONGATION OF THE SOUTHERLY LINES OF TRACT NO. 10853 RECORDED IN BOOK 513, PAGES 14 THROUGH 15 AND TRACT NO. 5792 RECORDED IN BOOK 220, PAGES 8 THROUGH 11, BOTH OF SAID MISCELLANEOUS MAPS; THENCE SOUTH 89° 35' 35" EAST 383.00 FEET ALONG SAID WESTERLY PROLONGATION TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID 6.2 ACRE PARCEL; THENCE SOUTH 0° 10' 29" WEST 520.23 FEET ALONG SAID NORTHERLY PROLONGATION TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED TO THE CITY OF HUNTINGTON BEACH RECORDED FEBRUARY 28, 2000 AS INSTRUMENT NO. 20000104631 OF SAID OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN TRACT NO. 15734, AS SHOWN ON A MAP RECORDED IN BOOK 797, PAGES 40 TO 42 INCLUSIVE, OF SAID MISCELLANEOUS MAPS.

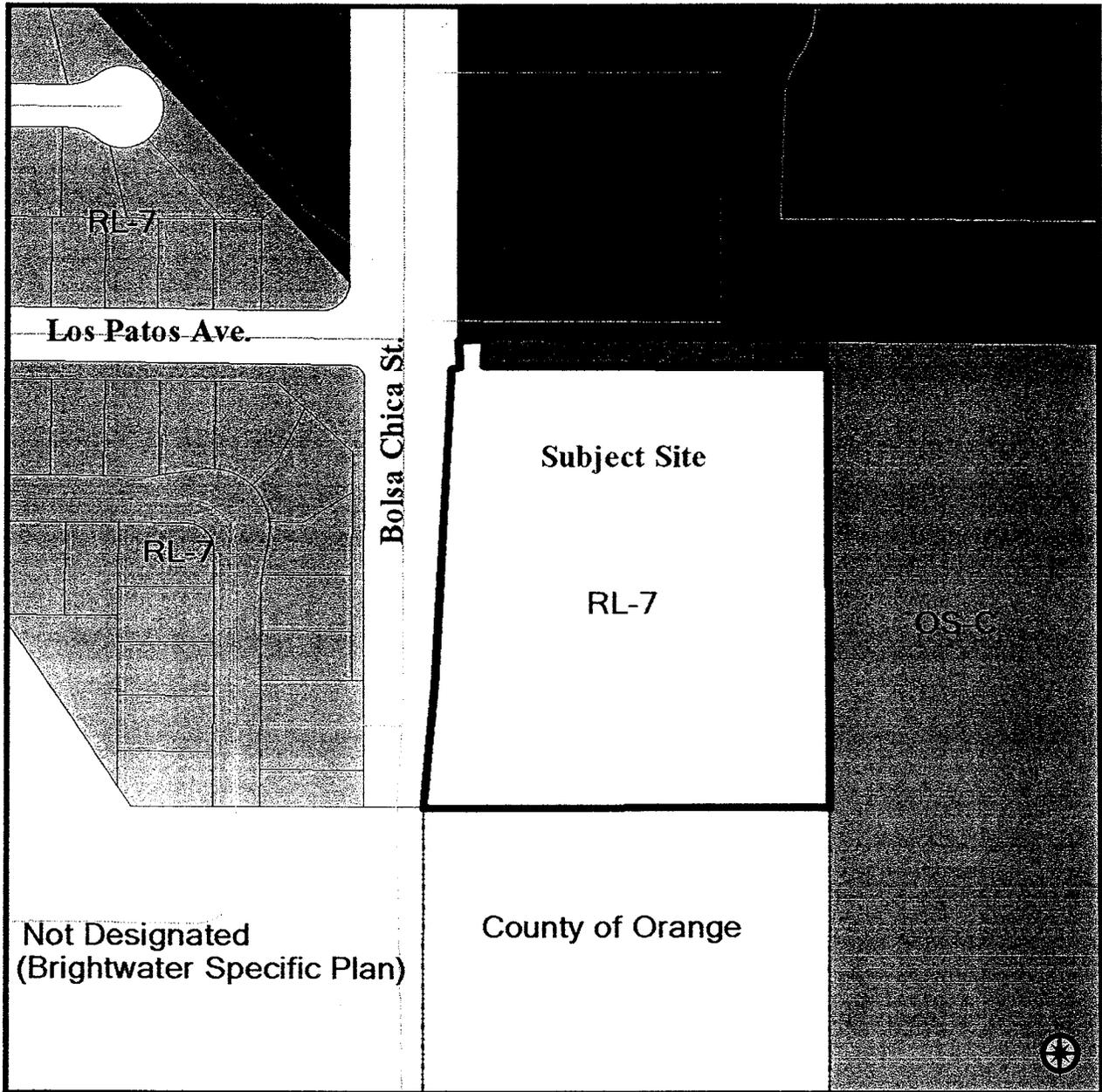
THIS LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY OF TITLE INSURANCE TO BE ISSUED BY THIS COMPANY; AND IS SUBJECT TO CHANGE AT ANY TIME. IT IS PREPARATORY TO THE ISSUANCE OF A SUBDIVISION GUARANTEE AND IS INTENDED SOLELY FOR THE USE OF THOSE PARTIES DIRECTLY INVOLVED IN THE PREPARATION AND CHECKING OF SAID MAP.

APN: 110-016-35

EXHIBIT B

ATTACHMENT NO. 2.5

Exhibit B – General Plan Land Use Map (Extract of Figure LU-5)



Legend

- RMH-25:** Residential Medium High Density – 25 du/acre
- RL-7:** Residential Low Density – 7 du/acre
- OS-P:** Open Space – Parks
- OS-C:** Open Space - Conservation

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING DISTRICT MAP 33 (SECTIONAL MAP 28-5-11) OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TO REZONE THE REAL PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF LOS PATOS AVENUE AND BOLSA CHICA STREET FROM RESIDENTIAL AGRICULTURAL – COASTAL ZONE OVERLAY (RA-CZ) TO RESIDENTIAL LOW DENSITY – COASTAL ZONE OVERLAY (RL-CZ) (ZONING MAP AMENDMENT NO. 08-007)

WHEREAS, pursuant to California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Map Amendment No. 08-007, which rezones the property generally located southeast of the intersection of Los Patos Avenue and Bolsa Chica Street from Residential Agricultural – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ); and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That the real property that is the subject of this ordinance is generally bounded by the terminus of Los Patos Avenue to the north, Bolsa Chica Street to the west and the City of Huntington Beach corporate boundaries to the south, and is more particularly described in the legal description and map attached hereto as Exhibit A and, incorporated herein by this reference.

SECTION 2. That the zoning designation of the Subject Property is hereby changed from RA-CZ (Residential Agricultural – Coastal Zone Overlay) to RL (Residential Low Density – Coastal Zone Overlay).

SECTION 3. That Huntington Beach Zoning and Subdivision Ordinance Section 201.04B District Map 33 (Sectional District Map 28-5-11) is hereby amended to reflect Zoning Map Amendment No. 08-007 as described herein. The Director of Planning and Building is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

SECTION 4. This ordinance shall become effective immediately upon certification by the California Coastal Commission but not less than 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2010.

ATTACHMENT NO. 3.1

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Administrator

Planning and Building Director

ATTACHMENTS:

Exhibit A: Legal Description & Map

Exhibit B: Amended Zoning Map

ATTACHMENT NO. 3.2

EXHIBIT A

ATTACHMENT NO. 3.3

LEGAL DESCRIPTION

EXHIBIT "A"

PROPOSED TRACT NO. 17294, BEING A SUBDIVISION OF:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, INCLUDED WITHIN THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE NORTHEASTERLY CORNER OF THAT CERTAIN 6.2 ACRE PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY; THENCE SOUTH 89° 58' 30" WEST 450.00 FEET ALONG THE NORTHERLY LINE OF SAID 6.2 ACRE PARCEL TO A ANGLE POINT IN PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. 92-01 RECORDED SEPTEMBER 2, 1992 AS INSTRUMENT NO. 92-589755 OF SAID OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LAST ABOVE MENTIONED PARCEL 2, THE FOLLOWING COURSES: CONTINUING SOUTH 89° 58' 30" WEST 323.00 FEET AND NORTH 34° 02' 08" WEST 604.67 FEET TO A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF LOS PATOS AVENUE AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 THROUGH 28 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID PARALLEL LINE AND ITS EASTERLY PROLONGATION, THE FOLLOWING COURSES: SOUTH 89° 21' 32" EAST 639.80 FEET AND SOUTH 89° 35' 35" EAST 90.18 FEET; THENCE NORTH 0° 10' 29" EAST 30.00 FEET TO THE WESTERLY PROLONGATION OF THE SOUTHERLY LINES OF TRACT NO. 10853 RECORDED IN BOOK 513, PAGES 14 THROUGH 15 AND TRACT NO. 5792 RECORDED IN BOOK 220, PAGES 8 THROUGH 11, BOTH OF SAID MISCELLANEOUS MAPS; THENCE SOUTH 89° 35' 35" EAST 383.00 FEET ALONG SAID WESTERLY PROLONGATION TO THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID 6.2 ACRE PARCEL; THENCE SOUTH 0° 10' 29" WEST 520.23 FEET ALONG SAID NORTHERLY PROLONGATION TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED TO THE CITY OF HUNTINGTON BEACH RECORDED FEBRUARY 28, 2000 AS INSTRUMENT NO. 20000104631 OF SAID OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN TRACT NO. 15734, AS SHOWN ON A MAP RECORDED IN BOOK 797, PAGES 40 TO 42 INCLUSIVE, OF SAID MISCELLANEOUS MAPS.

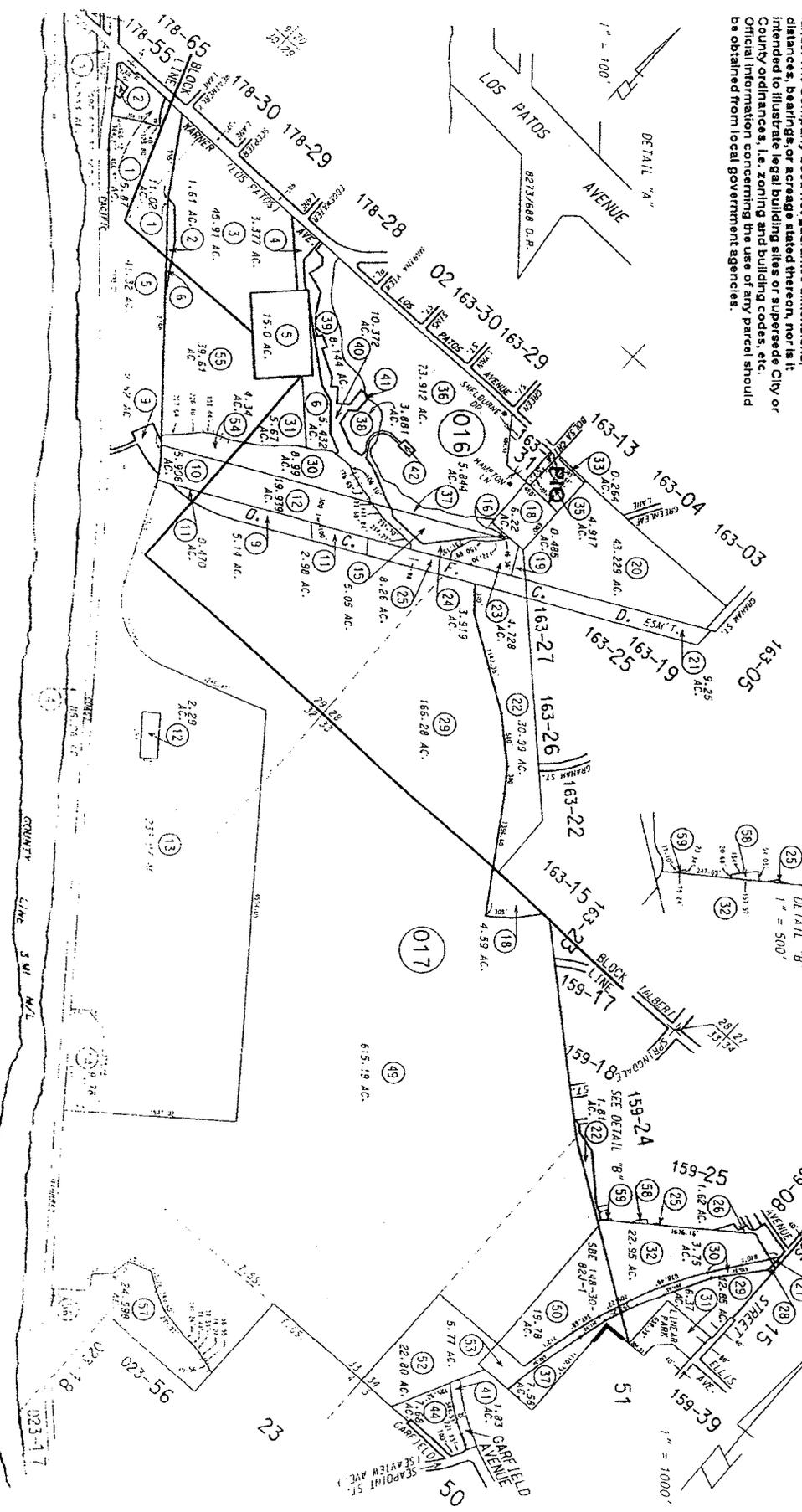
THIS LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY OF TITLE INSURANCE TO BE ISSUED BY THIS COMPANY; AND IS SUBJECT TO CHANGE AT ANY TIME. IT IS PREPARATORY TO THE ISSUANCE OF A SUBDIVISION GUARANTEE AND IS INTENDED SOLELY FOR THE USE OF THOSE PARTIES DIRECTLY INVOLVED IN THE PREPARATION AND CHECKING OF SAID MAP.

APN: 110-016-35

ATTACHMENT NO. 3.4

This Map is being furnished as a convenience to locate the herein described land in relation to adjoining streets and other lands. The Company does not guarantee dimensions, distances, bearings, or acreage stated thereon, nor is it intended to illustrate legal building sites or supersede City or County ordinances, i.e. zoning and building codes, etc. Official information concerning the use of any parcel should be obtained from local government agencies.

SEE SPECIAL PAGE 110-019 FOR FEE TITLE ASSESSMENT BELOW SURFACE
T 5 S. R 11 W



110-01

MARCH 1968

RECORD SURVEY R. S. 3-28

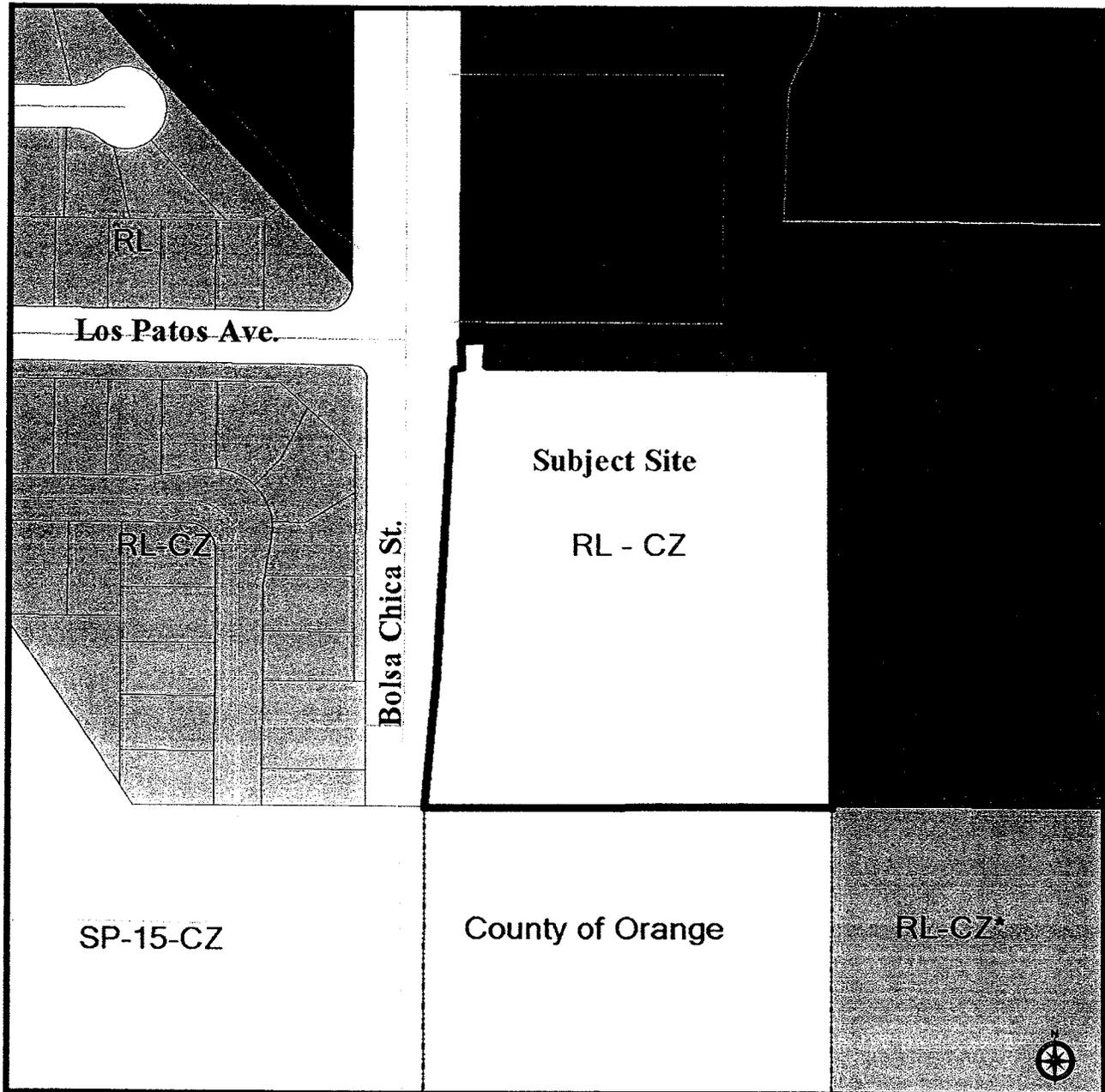
ASSessor's BLOCK & QUARTER
ORDER 110
COUNTY OF GARFIELD

ASSessor's MAP
ORDER 110
COUNTY OF GARFIELD

EXHIBIT B

ATTACHMENT NO. 3.6

Exhibit B – Amended Zoning Map



*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.

<u>Legend</u>	
RL	Residential Low Density
RA	Residential Agricultural
RMH	Residential Medium High Density
SP15	Specific Plan 15 (Brightwater)
CC	Coastal Conservation
CZ	Coastal Zone Overlay

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY AMENDING SECTION 210.06, PROPERTY DEVELOPMENT STANDARDS AND 210.12, PLANNED UNIT DEVELOPMENT SUPPLEMENTAL STANDARDS AND PROVISIONS (ZONING TEXT AMENDMENT NO. 09-008)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 09-008, which amends Sections 210.06, Property Development Standards and 210.12 Planned Unit Development Supplemental Standards and Provisions, of the Huntington Beach Zoning and Subdivision Ordinance permitting tandem parking configurations for Planned Unit Developments in residential zoning districts; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Sections 210.06 and 210.12 of the Huntington Beach Zoning and Subdivision Ordinance are hereby amended to read as set forth in Exhibit A.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2010.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

ATTEST:

APPROVED AS TO FORM:

City Administrator

Director of Planning and Building

EXHIBIT A

ATTACHMENT NO. 4.2

Chapter 210 Residential Districts

(3268-12/94, 3334-6/97, 3410-3/99, 3455-5/00, 3568-9/02, 3706-6/05, 3724-02/06, 3761-2/07, 3832-7/09)

Sections:

- 210.02 Residential Districts Established
- 210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls
- 210.06 RL, RM, RMH, RH, and RMP Districts: Property Development Standards
- 210.08 Development Standards for Senior Projects
- 210.10 Modifications for Affordable Housing
- 210.12 Planned Unit Development Supplemental Standards and Provisions
- 210.14 RMP District Supplemental Development Standards
- 210.16 Review of Plans

210.02 Residential Districts Established

The purpose of the residential districts is to implement the General Plan and Local Coastal Program Land Use Plan residential land use designations. Five (5) residential zoning districts are established by this chapter as follows: (3334-6/97)

- A. The RL Low Density Residential District provides opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Cluster development is allowed. Maximum density is seven (7) units per acre.
- B. The RM Medium Density Residential District provides opportunities for housing of a more intense nature than single-family detached dwelling units, including duplexes, triplexes, town houses, apartments, multi-dwelling structures, or cluster housing with landscaped open space for residents' use. Single-family homes, such as patio homes, may also be suitable. Maximum density is fifteen (15) units per acre.
- C. The RMH Medium High Density Residential District provides opportunities for a more intensive form of development than is permitted under the medium density designation while setting an upper limit on density that is lower than the most intense and concentrated development permitted in the City. One subdistrict has been identified with unique characteristics where separate development standards shall apply: RMH-A Small Lot. Maximum density is twenty-five (25) units per acre.
- D. The RH High Density Residential District provides opportunities for the most intensive form of residential development allowed in the City, including apartments in garden type complexes and high rise where scenic and view potential exists, subject to appropriate standards and locational requirements. Maximum density is thirty-five (35) units per acre.
- E. The RMP Residential Manufactured Home Park District provides sites for mobile home or manufactured home parks, including parks with rental spaces and parks where spaces are individually owned. Maximum density is nine (9) spaces per acre.

ATTACHMENT NO. 4.3

LEGISLATIVE DRAFT

210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in residential districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3334-6/97, 3410-3/99)

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit. (3334-6/97, 3410-3/99)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

(Rest of page not used)

ATTACHMENT NO. 4.4

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP DISTRICTS:	P = Permitted
LAND USE CONTROLS	L = Limited (see <u>Additional Provisions</u>) (3334-6/97)
	PC = Conditional use permit approved by Planning Commission
	ZA = Conditional use permit approved by Zoning Administrator
	TU = Temporary Use Permit
	P/U = Requires conditional use permit on site of conditional use
	- = Not Permitted

	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334-6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334-6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)(S)	(3334-6/97, 3410-3/99, 3455-5/00, 3832-7/09)
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	L-6	L-6	L-6	L-6		(3334-6/97, 3761-2/07)
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334-6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410-3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410-3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	P	P	P	P	(N)	(3334-6/97, 3410-3/99, 3706-6/00)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Provisions

- L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District. (3410-3/99)
- L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs. (3334-6/97, 3410-3/99)
- L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. (3334-6/97, 3410-3/99, 3724-02/06)
- L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns. (3334-6/97, 3410-3/99, 3706-6/05)
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities. (3568-9/02)
- L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required. (3761-2/07)
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit. (3334-6/97, 3410-3/99, 3761-2/07)
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
- (1) abuts an arterial highway;
 - (2) includes a dwelling unit more than 150 feet from a public street; or
 - (3) includes buildings exceeding 25 feet in height. (3334-6/97, 3410-3/99)
- (D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14: RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing Manufactured Home Park. (3334-6/97, 3410-3/99, 3706-6/05)
- (F) See Section 230.16: Manufactured Homes.
- (G) See Section 230.12: Home Occupation in R Districts.
- (H) See Section 230.08: Accessory Structures.
- (I) See Section 230.10: Accessory Dwelling Units.

RL, RM, RMH, RH, and RMP Districts: Additional Provisions

- (J) See Section 241.20: Temporary Use Permits.
- (K) See Chapter 236: Nonconforming Uses and Structures.
- (L) See Chapter 233: Signs.
- (M) Tents, trailers, vehicles, or temporary structures shall not be used for dwelling purposes. (3334-6/97, 3410-3/99)
- (N) See Section 230.18: Subdivision Sales Offices and Model Homes. (3334-6/97, 3410-3/99)
- (O) Limited to facilities on sites of fewer than 2 acres. (3334-6/97, 3410-3/99)
- (P) See Section 230.22: Residential Infill Lot Developments. (3334-6/97, 3410-3/99)
- (Q) See Section 230.20: Payment of Parkland Dedication In-Lieu Fee. (3410-3/99)
- (R) Small lot development standards for RM, RMH, and RH Districts. A conditional use permit from the Planning Commission is required for small lot residential subdivisions, including condominium maps for detached single family dwellings. See also Section 230.24: Small Lot Development Standards. (3455-5/00)
- (S) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4K as depicted in Figures C-6a and C-10 of the Coastal Element Land Use Plan. Subdivision design and development within Subarea 4K shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail. (3832-7/09)

210.06 RL, RM, RMH, RH, and RMP Districts: Property Development Standards

The following schedule prescribes development standards for residential zoning districts and subdistricts designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

In calculating the number of units permitted on the site, density is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Any new parcel created pursuant to Title 25, Subdivisions, shall comply with the minimum building site requirements of the district in which the parcel is located unless approved as a part of a Planned Unit Development.

LEGISLATIVE DRAFT

Property Development Standards for Residential Districts

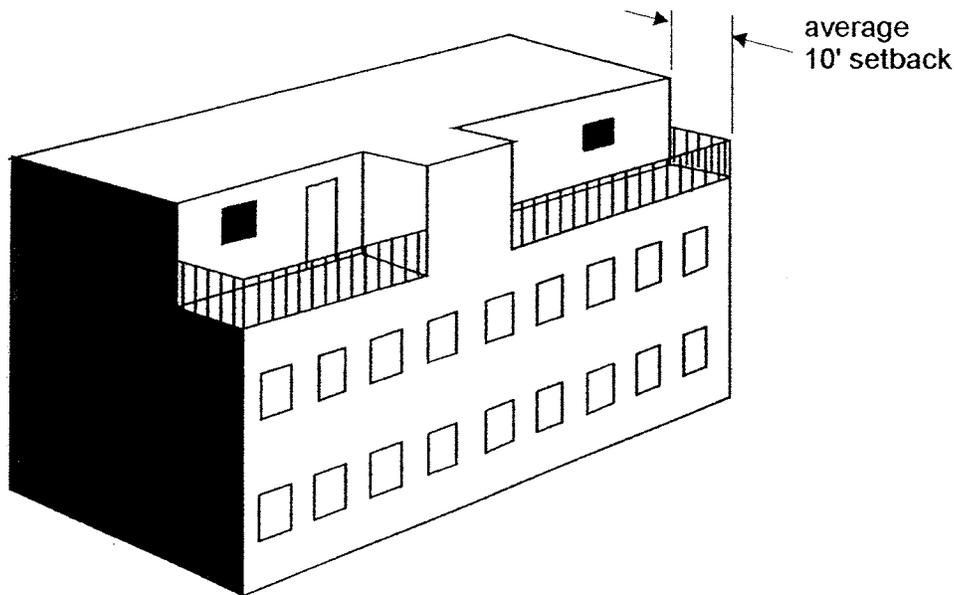
	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site Width (ft.)	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Cul de sac frontage	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(D)(R)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(E)(F)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(G)(I)(J)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(H)	(3334-6/97, 3410-3/99)
Accessory Structure							(I)(J)	
Garage							(U)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(K)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)							(L)(R)	(3334-6/97, 3410-3/99)
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)
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(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

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- (A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.
- (B) See Section 230.66: Development on Lots Divided by District Boundaries.
- (C) The minimum lot area shall be 12,000 square feet for General Day Care, General Residential Care, and Public or Private Schools, except minimum lot area for General Day Care in the RL district shall be one (1) gross acre. (3334-6/97, 3410-3/99)
- (D) Building Separation. The minimum spacing between buildings including manufactured home units shall be 10 feet. (3334-6/97, 3410-3/99)
- (E) Variable Front Setback for Multi-family Projects. Projects with more than 4 units in the RM District, more than 8 units in the RMH District, or more than 14 units in the RH District shall provide a minimum setback of 15 feet from any public right-of-way. Minimum 50% of the garages shall be set back 20 feet from the front property line. (See Section 210.12B.) (3334-6/97, 3410-3/99)
- (F) Upper-story Setbacks for Multi-family Structures. The covered portion of all stories above the second story in any multi-family structure shall be set back an average of 10 feet from the second floor front facade (see Exhibit). (3334-6/97, 3410-3/99)



210-UPSS.PCX

UPPER STORY SETBACK

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

(G) Interior Side Setback

- (1) In the RL, RM, RMH, including RMH-A subdistrict, and RH Districts, interior side setbacks shall be minimum 10% of lot width, but not less than 3 feet and need not exceed 5 feet, except as stated below. (3334-6/97, 3410-3/99)
- (2) For projects in the RM, RMH, including RMH-A subdistrict, and RH Districts adjoining an RL District, interior side setbacks shall be at least:
 - (a) 10 feet for units in single-story or two-story buildings.
 - (b) 14 feet for units above two stories.

Subject to approval of a conditional use permit, the Zoning Administrator or the Planning Commission, may approve upper-story setbacks in lieu of an increased side setback if the second and third stories are set back the required distance. (3334-6/97, 3410-3/99)

(H) Street Side Setbacks

- (1) In the RL, RM, RMH (excluding RMH-A subdistrict), and RH districts, the street side yard shall be 20 percent of the lot width, minimum 6 feet and need not exceed 10 feet. (3334-6/97, 3410-3/99)
- (2) In the RMH-A subdistrict, street side setback shall be minimum 5 feet. (3410-3/99)
- (3) For projects with 10 or more multi-family units (including RMH-A subdistrict), the street side setback shall be the same as the front setback. (3334-6/97, 3410-3/99)

- (I) Building Walls Exceeding 25 Feet in Height. The required interior side or rear setback adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, and located on a lot 45 feet wide or greater, shall be increased three feet over the basic requirement. (3334-6/97, 3410-3/99)

(J) Zero Side or Rear Setback.

- (1) A zero interior side setback may be permitted provided that the opposite side setback on the same lot is minimum 20% of the lot width, not less than 5 feet, and need not exceed 10 feet, and shall be subject to the requirements listed in subsection (3) below. (3334-6/97, 3410-3/99)
- (2) A zero rear setback may be permitted provided that the opposite rear setback for the adjacent lot is either zero or a minimum of 10 feet, and subject to the requirements listed in subsection (3) below. (3334-6/97, 3410-3/99)

(Rest of page not used)

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- (3) A zero side or rear setback may be permitted subject to the following requirements: (3334-6/97, 3410-3/99)
- (a) The lot adjacent to the zero side or rear setback shall either be held under the same ownership at the time of application or a deed restriction or agreement approved as to form by the City Attorney shall be recorded giving written consent of the adjacent property owner. (3334-6/97)
 - (b) A maintenance easement, approved as to form by the City Attorney, shall be recorded between the property owner and the owner of the adjacent lot to which access is required in order to maintain and repair a zero lot line structure. Such easement shall be an irrevocable covenant running with the land. No building permits shall be issued until such recorded maintenance easement has been submitted. (3334-6/97)
 - (c) Separation between the proposed structure and any structure on an adjacent lot shall either be zero or a minimum of 5 feet. (3334-6/97, 3410-3/99)
 - (d) No portion of the dwelling or any architectural features shall project over the property line. (3334-6/97)
 - (e) The zero setback shall not be adjacent to a public or private right-of-way. (3334-6/97)
 - (f) Exposure protection between structures shall be provided as specified by the Fire Department and Building Division. (3334-6/97)
- (4) Double zero side setbacks may be permitted for planned unit development projects subject to approval of a conditional use permit and compliance with Section 210.12 B. (3334-6/97, 3410-3/99)
- (K) Garage Setbacks. Setbacks for the main dwelling shall apply, except as specifically stated below:
- (1) Front entry garage - 20 feet
 - (2) Side entry garage - 10 feet
 - (3) Garage with alley access - 5 feet

For garages with rear vehicular access from an alley and located on a lot 27 feet wide or less, the side setback adjacent to a street or another alley may be reduced to 3 feet.

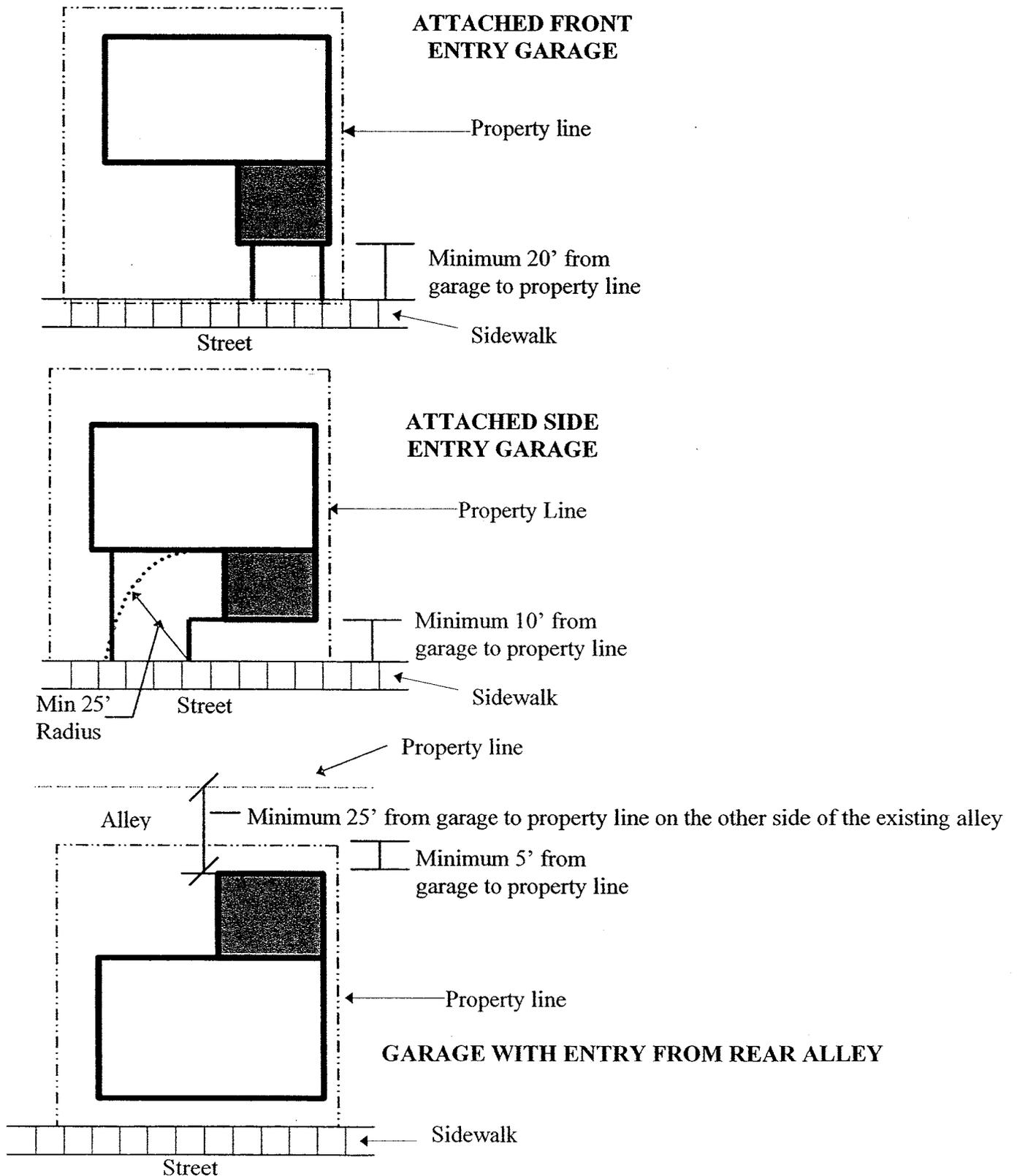
A minimum 25 foot turning radius is required from the garage to the opposite side of the street, alley, drive aisle or driveway. (3334-6/97, 3410-3/99)

(Rest of page not used)

ATTACHMENT NO. 4.11

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards



ATTACHMENT NO. 4.12

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

(L) Projections into Setbacks.

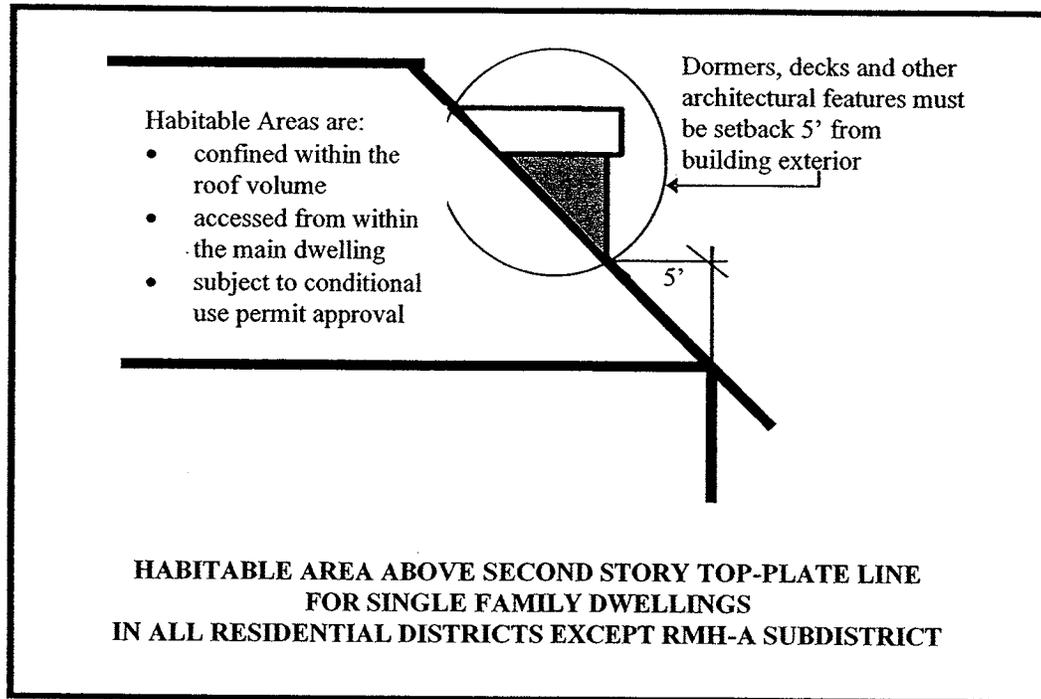
- (1) See Section 230.68: Building Projections into Yards.
- (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk. Balconies composed solely of solid enclosures are not allowed to project into required setbacks. (3334-6/97, 3410-3/99)

(M) Height Requirements. See Section 230.70 Measurement of Height, and Section 230.72 Exceptions to Height Limits.

- (1) Single Family Dwellings in all residential districts, except lots in the RMH-A subdistrict with less than 50 feet of frontage shall comply with the following standards: (3334-6/97, 3410-3/99)
 - (a) Second story top plate height shall not exceed twenty-five (25) feet measured from the top of the subfloor/slab directly below. (3334-6/97, 3410-3/99)
 - (b) Roofs shall have a minimum 5/12 pitch if building height exceeds thirty (30) feet. (3334-6/97, 3410-3/99)
 - (c) Maximum building height for Main Dwellings shall be thirty-five (35) feet; however, Main Dwellings exceeding thirty (30) feet in height shall require approval of a Conditional Use Permit by the Zoning Administrator. (3268-12/94)(3334-6/97)
 - (d) Habitable area, which includes rooftop decks and balconies, above the second story top plate line shall require approval of a conditional use permit by the Zoning Administrator. Habitable area above the second story plate line shall be within the confines of the roof volume, with the following exceptions: (3334-6/97, 3410-3/99)
 - (1) Dormers, decks and other architectural features may be permitted as vertical projections above the roof volume provided the projections are set back five (5) feet from the building exterior and do not exceed the height limits as stated above. (3334-6/97)
 - (2) Windows and deck areas above the second story plate line shall orient toward public rights-of-way only. (3334-6/97, 3410-3/99)

(Rest of page not used)

LEGISLATIVE DRAFT



(3410-3/99)

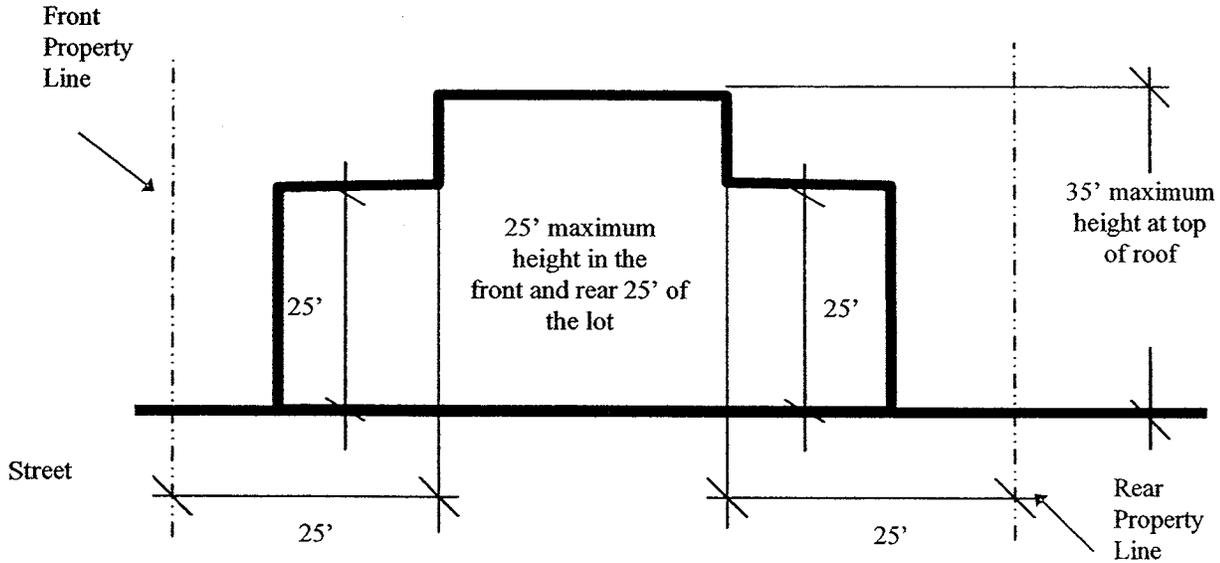
- (e) Access to any habitable area above the second story top plate line shall be provided within the Main Dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited. (3334-6/97, 3410-3/99)

Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line shall be submitted in order to determine compliance with this subsection. (3334-6/97, 3410-3/99)

- (2) Single Family Dwellings in the RMH-A subdistrict on lots with less than 50 feet of frontage shall comply with the following standards: (3334-6/97, 3410-3/99)
- (a) Second story top plate height shall not exceed twenty-five (25) feet measured from the top of the subfloor/slab directly below. (3334-6/97, 3410-3/99)
 - (b) Roofs shall have a minimum 5/12 pitch if building height exceeds thirty (30) feet. (3334-6/97)
 - (c) In the front and rear 25 feet of the lot, maximum building height for all structures, including railings and architectural features, shall be 25 feet. Otherwise, maximum building height shall be 35 feet. (3334-6/97, 3410-3/99)

ATTACHMENT NO. 4.14

LEGISLATIVE DRAFT



**MAXIMUM BUILDING HEIGHT FOR SINGLE FAMILY DWELLINGS
ON LOTS LESS THAN 50 FEET WIDE IN RMH-A SUBDISTRICT**

- (d) Access to any habitable area above the second story top plate line shall be provided within the Main Dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited. (3334-6/97, 3410-3/99)

Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line shall be submitted in order to determine compliance with this subsection. (3334-6/97, 3410-3/99)

- (3) Accessory Structures: See Section 230.08: Accessory Structures. Accessory structures located on projecting decks abutting a waterway shall comply with the height established in subsection (R). (3334-6/97, 3410-3/99)
 - (4) Recreation Buildings: The maximum height of a recreation building for multi-family, planned residential, and mobile home park projects shall be established by the conditional use permit. (3334-6/97)
- (N) Minimum Floor Area. Each dwelling unit in a multi-family building and attached single family dwellings shall have the following minimum floor area.

Unit Type	Minimum Area (Square Feet)
Studio	500
one bedroom	650
two bedrooms	900
three bedrooms	1,100
four bedrooms	1,300

All detached single family dwellings shall have a minimum 1,000 square feet of floor area not including the garage and shall be a minimum of 17 feet in width. (3334-6/97)

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

(O) Open Space Requirements.

(1) The minimum open space area (private and common) for multi-family residential projects in RM, RMH, including RMH-A subdistrict, and RH Districts shall be 25% of the residential floor area per unit (excluding garages). (3334-6/97, 3410-3/99, 3706-06/05)

(2) Private Open Space.

(a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 10 feet for courts and 6 feet for balconies. A minimum patio area of 70 square feet shall be provided within the court. (3334-6/97)

(b) The following minimum area shall be provided:

Unit Type	Minimum Area (Sq.Ft.) Ground Floor Units	Units Above Ground Floor
Studio/1 bedroom	200	60
2 bedrooms	250	120
3 bedrooms	300	120
4 or more bedrooms	400	120

(3334-6/97)

(c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge exceeding 42 inches in height. (3334-6/97, 3410-3/99)

(d) A maximum of 50% of the private open space requirement, may be on open decks above the second story subject to approval of a conditional use permit by the Zoning Administrator, provided that no portion of such deck exceeds the height limit. (3410-3/99, 3706-6/05)

(e) Patio and balcony enclosures within existing planned developments or apartment complexes shall be subject to the following conditions: (3706-6/05)

1. A maximum of one enclosure per unit shall be allowed. (3706-6/05)
2. The existing balcony or patio area shall not be enlarged. (3706-6/05)
3. The balcony or patio enclosure shall comply with the current setback and height requirements for the district in which the site is located. (3706-6/05)
4. The enclosure shall consist entirely of transparent materials, i.e., no solid walls or opaque walls, except an existing solid roof may be part of the enclosure. (3706-6/05)
5. No structural change shall occur to the interface wall and doorway between the enclosure and the adjacent inside room of the building, unless the balcony/patio is replaced with equivalent unenclosed area for use as private open space. (3706-6/05)

LEGISLATIVE DRAFT

6. The enclosed area shall be considered as private open space and may be counted toward current private open space requirements. (3706-6/05)
7. Required egress for fire escape routes shall be maintained. (3706-6/05)

(3) Common Open Space.

- (a) Common open space, provided by interior side yards, patios, and terraces, shall be designed so that a horizontal rectangle has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways, parking areas, or area required for front or street side yards. (3334-6/97, 3410-3/99, 3706-06/05)
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. (3334-6/97, 3410-3/99, 3706-06/05)
- (4) The Director may allow a reduction in the open space requirement to 10% of the livable area per unit for projects with less than 10 units and located within walking distance of 1,000 feet of a public park or beach. (3334-6/97, 3410-3/99)

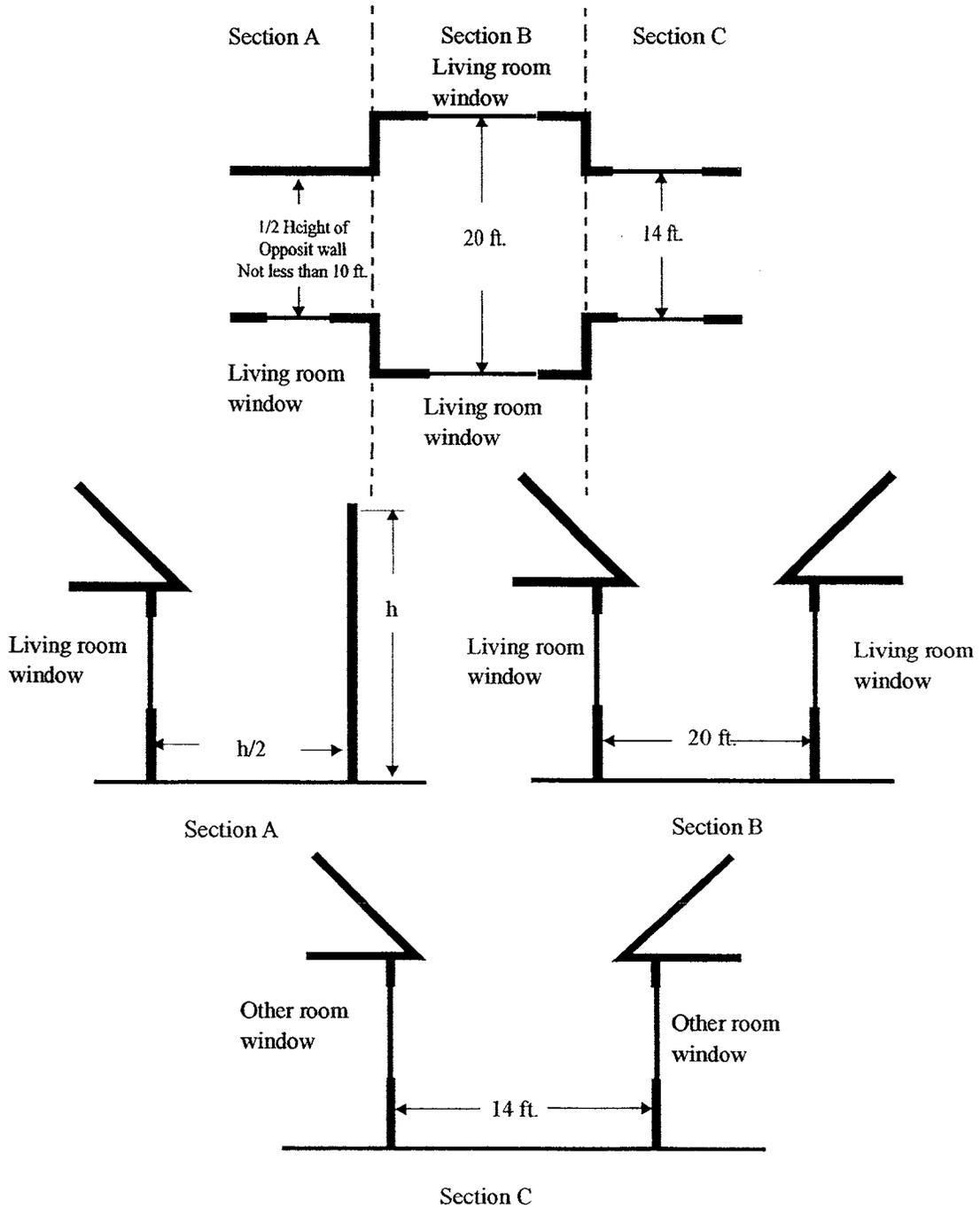
(P) Courts Opposite Windows in RM, RMH, and RH Districts (excluding the RMH-A sub-district). Courts shall be provided in all multi-family projects in the RM, RMH, and RH Districts subject to the following requirements: (3334-6/97, 3410-3/99)

- (1) Courts Opposite Walls on the Same Site: The minimum depth of a court shall be one-half the height of the opposite wall but not less than 20 feet opposite a living room and 14 feet opposite a required window for any other habitable room (see diagrams below). (3334-6/97, 3410-3/99)
- (2) Courts Opposite Interior Property Line: The minimum distance between a required window of a habitable room and a property line shall be 10 feet. (3334-6/97, 3410-3/99)
- (3) Court Dimensions: Courts shall be minimum 20 feet wide (minimum 10 feet on either side of the centerline of the required window) and shall be open to the sky. Eaves may project a maximum 2 feet into a court. (3334-6/97, 3410-3/99)

(Rest of page not used)

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards



COURTS OPPOSITE WINDOWS
(3334-6/97)

210-CRT.CDR

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

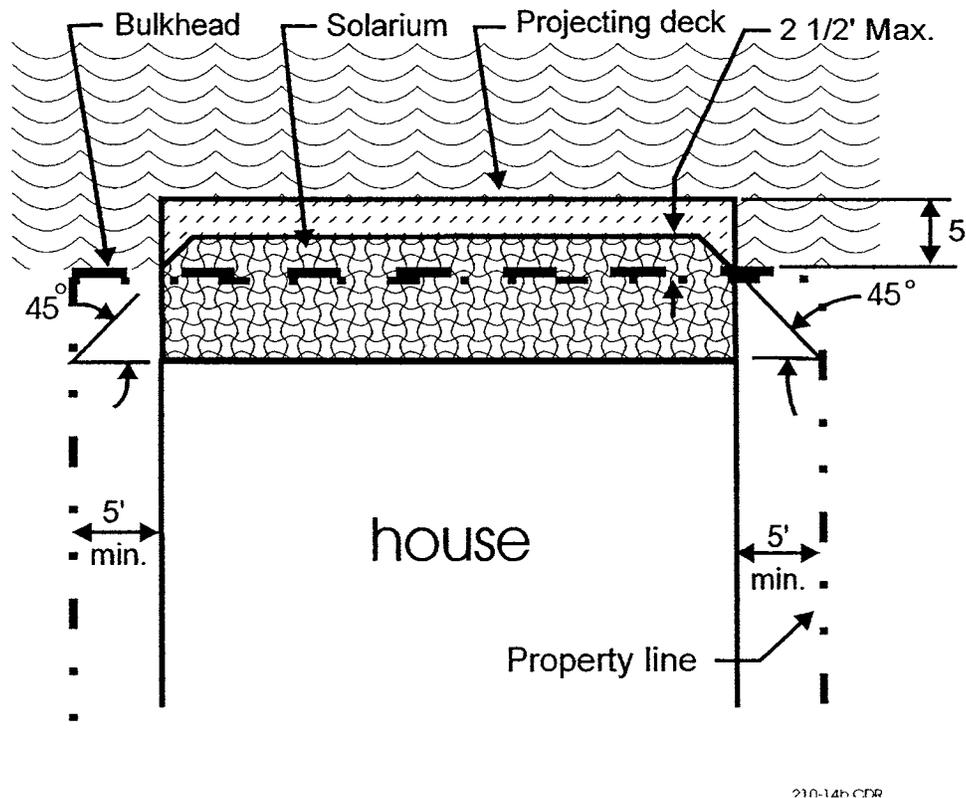
- (Q) All habitable rooms in a dwelling unit must be accessible from within the dwelling. (3334-6/97, 3410-3/99)
- (R) Waterfront Lots. Projecting decks, windscreens, fencing, patio covers and solariums on waterfront lots may be permitted subject to the development standards set forth in this Chapter, Chapter 245, Chapter 17.24, and the following requirements: (3334-6/97)
- (1) Projecting Decks. Decks on waterfront lots may project 5 feet beyond the bulkhead provided the decks comply with the side setbacks required for the main dwelling. (3334-6/97, 3410-3/99)
 - (2) Windscreens. Windscreens may be permitted if constructed of light-weight materials such as plastic, canvas, fiberglass, tempered glass or metal, except for necessary bracing and framing. The maximum height for windscreens shall be 7 feet above the finished surface of the deck at the bulkhead line. (3334-6/97)
 - (3) Fencing. All portions of fencing within the required rear setback area shall comply with Chapter 230.88 and the visibility provisions below. (3334-6/97, 3410-3/99)
 - (4) Solariums. Solariums (patio enclosures) may project a maximum of 30 inches over the bulkhead. In all cases, the solarium shall maintain a 45 degree (45°) visibility angle as measured from the main dwelling building line extended to the side property line. The maximum height shall not exceed the top of the first floor ceiling joist. (3334-6/97, 3410-3/99)
 - (5) Patio Covers. Patio covers (including eaves) may be permitted to project 5 feet into the rear yard setback, however, construction materials shall allow compliance with visibility provisions below. (3334-6/97, 3410-3/99)
 - (6) Visibility. The portion of any windscreen, fence or patio cover in the rear yard setback or solarium above 36 inches in height shall be composed of materials and design which allow a minimum of 85% transmission of light and visibility through the structure in each direction when viewed from any angle. (3334-6/97)
 - (7) Removal. Decks, solariums and windscreens projecting over waterways which do not comply with the above provisions may be removed by the city upon 30-days' written notice. Such projections are declared to be a privilege which can be revoked for noncompliance and not a vested right. (3334-6/97)

(Rest of page not used)

ATTACHMENT NO. 4.19

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards



WATERFRONT LOT PROJECTIONS

(3334-6/97)

(S) Landscaping

- (1) A minimum 40% of the front yard shall be landscaped. For single family residences in the RMH-A subdistrict, a minimum 3 foot wide landscape planter along the front property line (excluding max. 5 ft. wide walkway) may be provided in lieu of the 40% requirement. A maximum 18 inch high planter wall may be constructed along the front property line. (3334-6/97, 3410-3/99)
- (2) All required trees specified in Chapter 232 shall be provided. (3410-3/99)
- (3) All subdivisions shall provide a minimum 5 foot wide landscaped area along arterial street/highway property lines. The actual required width shall be determined during the planning process. Maintenance of said landscaped area shall be by a homeowners association, property owner or other method approved by the City of Huntington Beach. (3334-6/97, 3410-3/99)

- (T) Lighting. A lighting system shall be provided in all multi-family projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director. (3334-6/97)

ATTACHMENT NO. 4.20

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- (U) See Section 230.08: Accessory Structures (3334-6/97, 3410-3/99)
- (V) Solid patio covers open on at least 2 sides may be permitted an additional 5% site coverage. Open lattice patio covers are exempted from site coverage standards. (3410-3/99)

210.08 Development Standards for Senior Projects

This section establishes development standards for Senior Residential Projects that may be permitted by the Planning Commission. (3334-6/97, 3410-3/99)

- A. Minimum Floor Area. Each dwelling unit shall have a minimum floor area of 450 square feet. (3334-6/97, 3410-3/99)
- B. Minimum Setbacks. The project shall comply with the minimum setback requirements of the district applicable to the site. (3334-6/97)
- C. Minimum Distance between Buildings. Minimum building separation shall be 10 feet. (3334-6/97, 3410-3/99)
- D. Building Design. No structure shall exceed 180 feet in length. To provide variation in building facades, two of the following architectural elements are required as part of each building: sloped roofs; bay windows; awnings; roof eaves; cornices; balconies; or patios. (3334-6/97)
- E. Open Space Requirements. (3334-6/97, 3410-3/99)
 - 1. Private Open Space: A minimum of 60 square feet of private open space for studios or one bedroom units and 120 square feet for two or more bedrooms, with minimum dimensions of 6 feet. (3334-6/97, 3410-3/99)
 - 2. Common Open Space: A minimum of 2,500 square feet for the first 50 units, and an additional 50 square feet for each unit over 50. (3334-6/97, 3410-3/99)
 - 3. Community Club House: An enclosed community or clubhouse facility containing minimum 7 square feet per unit, and a total area of minimum 400 square feet, may satisfy up to 50% of the common open space requirement. The clubhouse shall include handicapped bathrooms and kitchen facilities to be used by project residents and their guests only. (3334-6/97, 3410-3/99)
- F. Elevators. Buildings with more than 2 levels, including living areas or parking, shall have elevators. (3334-6/97)
- G. Parking. Parking shall comply with Chapter 231. Any parking space over and above the one space per unit shall be marked for guest use. (3334-6/97)

LEGISLATIVE DRAFT

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.**

LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- 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. 4.23

LEGISLATIVE DRAFT

- C. The undercarriage of all manufactured homes shall be screened from view on all sides.
(3334-6/97)
- D. A six foot high concrete or masonry wall shall be provided along all interior property lines of the manufactured home park. In addition, a 20 foot wide landscaped berm or a 10 foot wide landscaped area and a 6 foot high wall shall be located at the minimum front setback line. (3334-6/97, 3410-3/99)
- E. A boat or trailer storage area shall be provided and screened from view by a 6 foot high fence or wall. (3334-6/97, 3410-3/99)
- F. Maximum site coverage for each individual manufactured home space shall be 75%.
(3334-6/97, 3410-3/99)

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- G. Projects in the RMP district shall provide a minimum common open space area of 200 square feet per manufactured home space. (3410-3/99)

210.16 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows: (3334-6/97)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241. (3334-6/97, 3410-3/99)
- B. Design Review Board. See Chapter 244. (3334-6/97, 3410-3/99)
- C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241. (3334-6/97, 3410-3/99)
- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3334-6/97)

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002 TO AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES TO AMEND ZONE 2 – LAND USE PLAN OF THE CITY’S COASTAL ELEMENT FOR THE REAL PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF BOLSA CHICA STREET AND LOS PATOS AVENUE AND TO REFLECT ZONING TEXT AMENDMENT NO. 09-008 AND ZONING MAP AMENDMENT NO. 08-007 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Section 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 09-002; and

Such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 09-002, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Local Coastal Program (including the Land Use Plan), and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

ATTACHMENT NO. 5.1

1. That the real property that is the subject of this Resolution is generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue and consists of approximately five acres within the City of Huntington Beach (Exhibit A).
2. That the Local Coastal Program (Coastal Element) for the Subject Property is hereby changed to reflect a change in the land use designation for the subject property from Open Space – Parks (OS-P) to Residential Low Density – 7 dwelling units per acre (RL-7) (Exhibit B).
3. That the Huntington Beach Local Coastal Program Amendment No. 09-002 also consists of Zoning Text Amendment No. 09-008 and Zoning Map Amendment No. 08-007, a copy of which is attached hereto as Exhibits C & D, and incorporated by this reference as though fully set forth herein.
4. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 09-002.
5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 09-002 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513 and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting hereof held on the _____ day of _____ 2010.

Mayor

ATTEST:

APPROVED AS TO FORM:

ATTACHMENT NO. 5.2

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Administrator

Director of Planning and Building

Exhibits:

- A. Location Map
- B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element)
- C. Zoning Text Amendment No. 09-008
- D. Zoning Map Amendment No. 08-007

EXHIBIT A

ATTACHMENT NO. 5.4

Exhibit A – Location Map

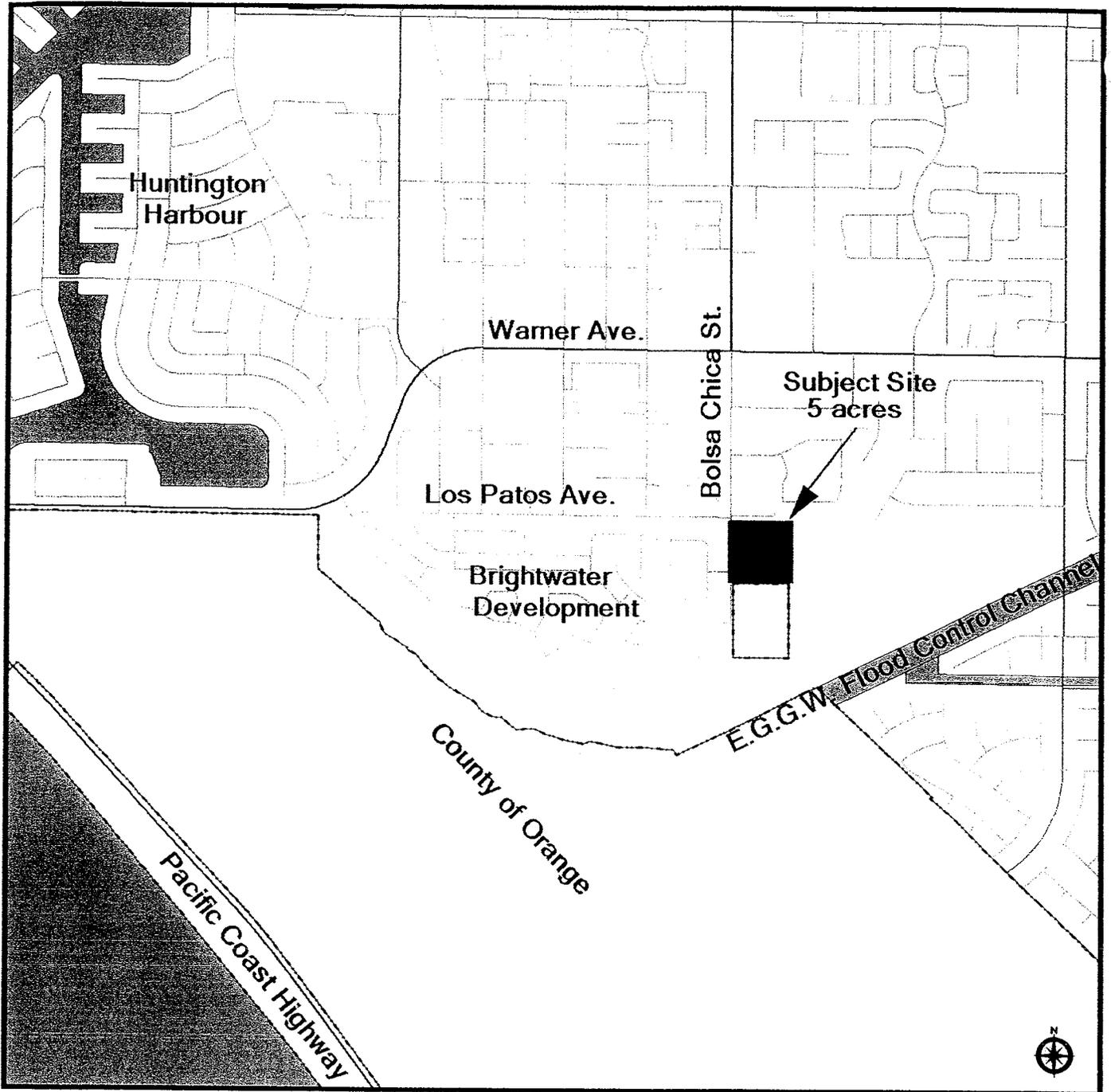
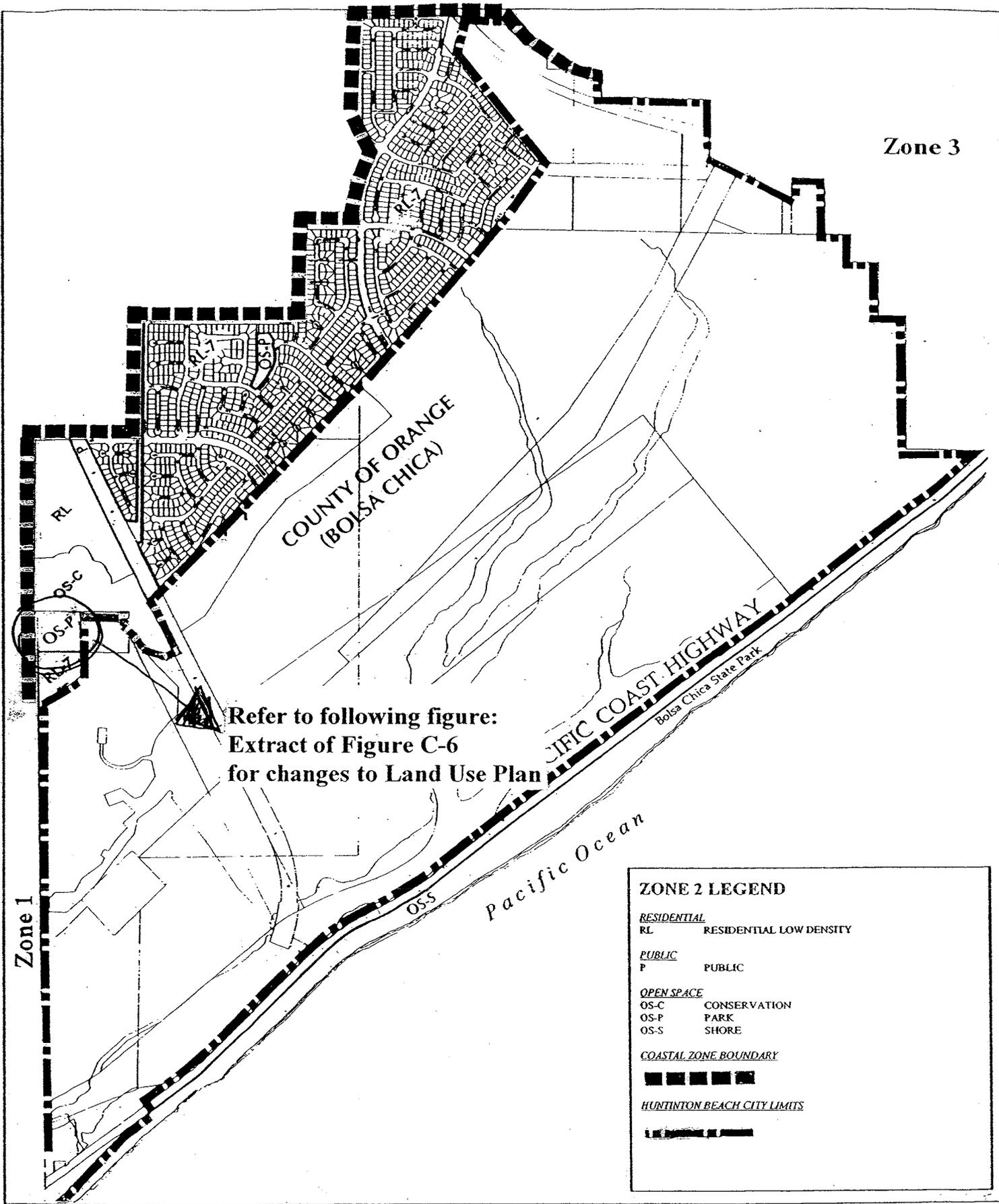


EXHIBIT B

ATTACHMENT NO. 5.6



Refer to following figure:
 Extract of Figure C-6
 for changes to Land Use Plan

ZONE 2 LEGEND	
<u>RESIDENTIAL</u>	
RL	RESIDENTIAL LOW DENSITY
<u>PUBLIC</u>	
P	PUBLIC
<u>OPEN SPACE</u>	
OS-C	CONSERVATION
OS-P	PARK
OS-S	SHORE
<u>COASTAL ZONE BOUNDARY</u>	
[Symbol: Dashed line with thick dashes]	
<u>HUNTINTON BEACH CITY LIMITS</u>	
[Symbol: Dashed line with thin dashes]	

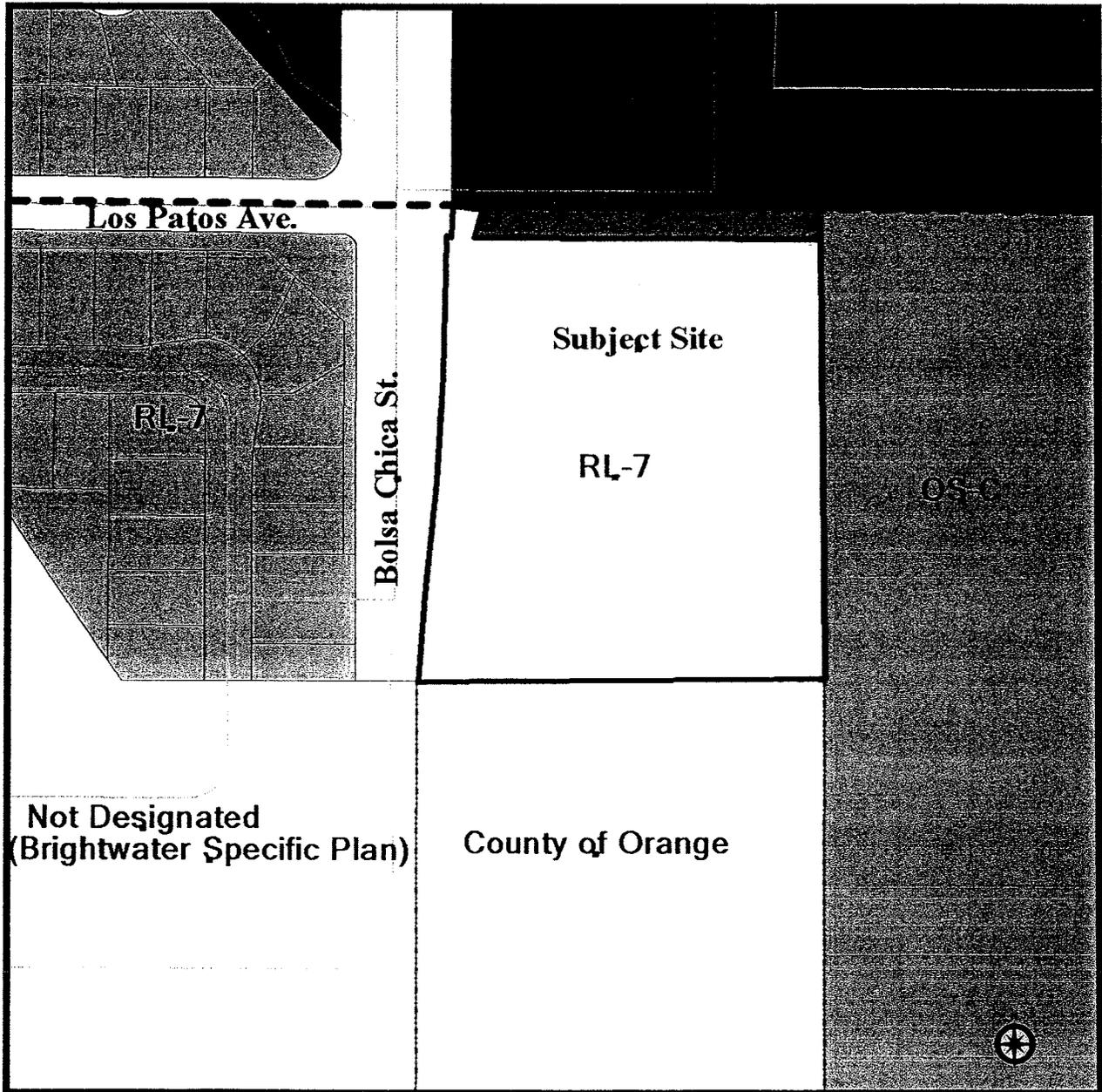
HUNTINGTON BEACH COASTAL ZONE
 ZONE 2 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT



ATTACHMENT NO. 5.7

Exhibit B – Land Use Plan (Extract of Figure C-6)



Legend

RL-7: Residential Low Density – 7 du/acre

OS-P: Open Space – Parks

OS-C: Open Space – Conservation

----- Coastal Zone Boundary

EXHIBIT C

ATTACHMENT NO. 5.9

LEGISLATIVE DRAFT

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) (3410-3/99)
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

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.

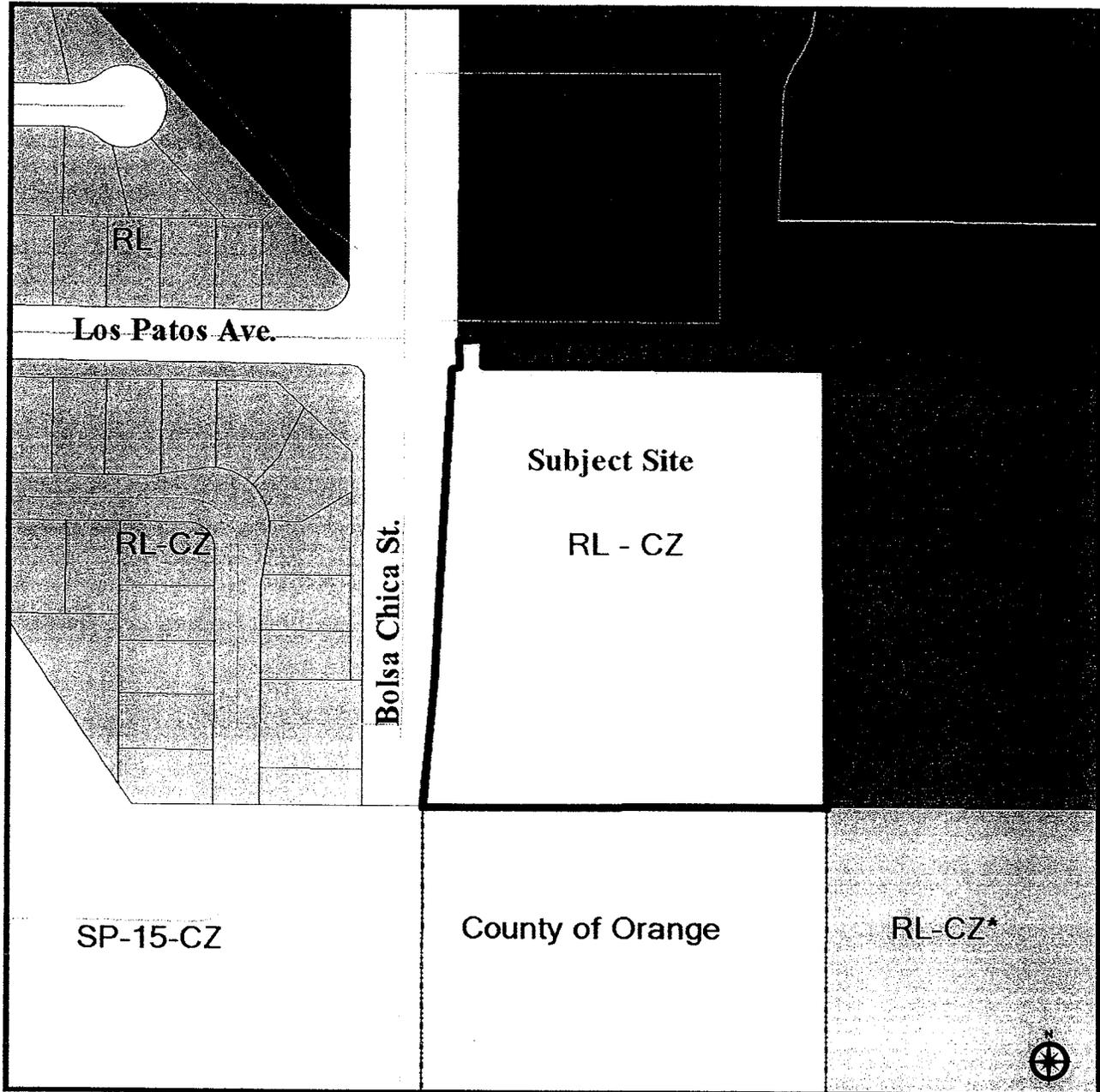
- A. Maps. A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions. (3334-6/97)
- B. Project Design.
 - 1. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side. (3334-6/97)
 - 2. A maximum of six units may 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. 5.11

EXHIBIT D

ATTACHMENT NO. 5.12

Exhibit D – Amended Zoning Map

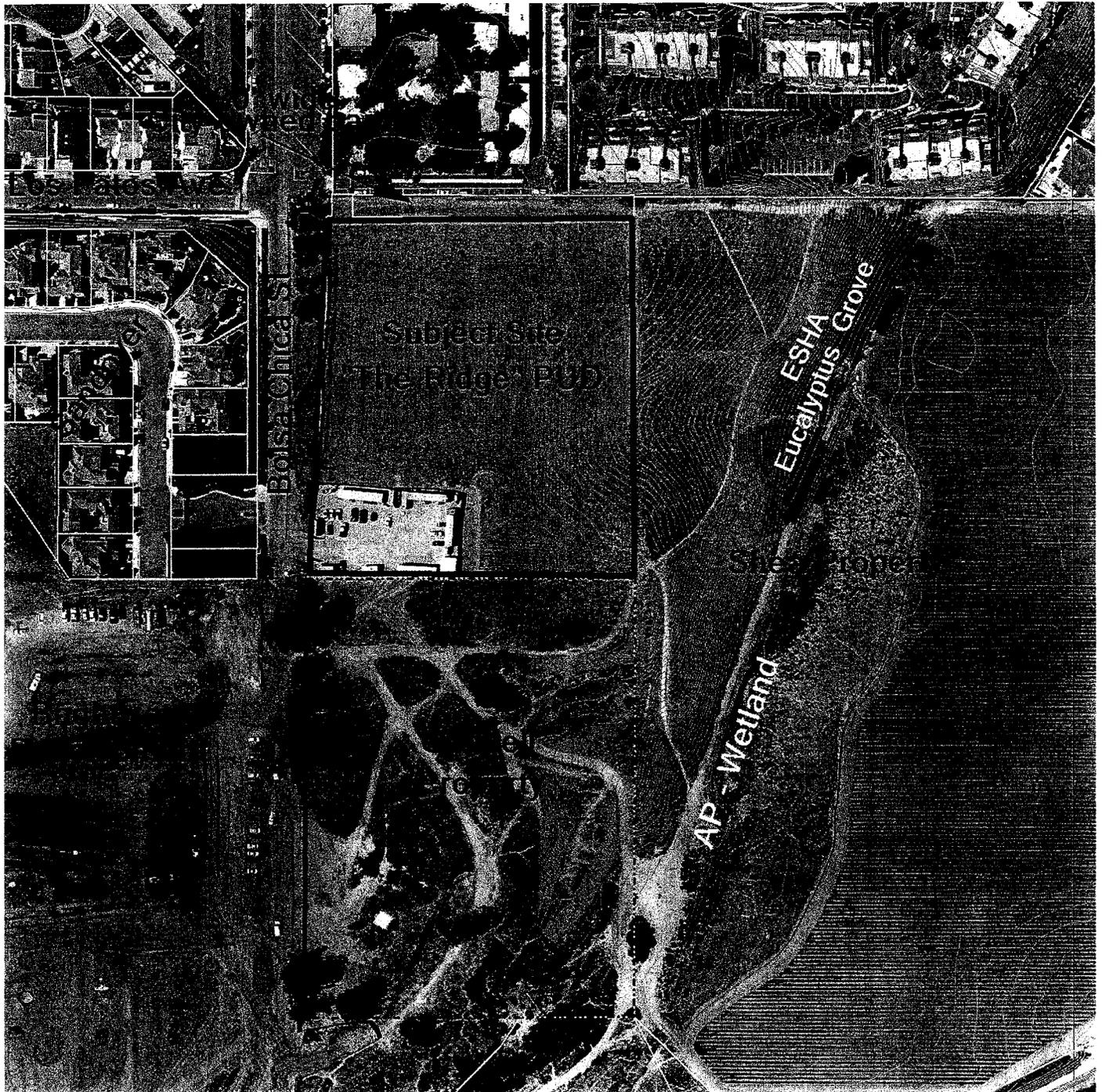


*The City recently approved a zoning map amendment to change the current zoning designations to CC – Coastal Conservation to be consistent with the Land Use Plan. The City's approval has been submitted to the California Coastal Commission for approval as LCPA No. 1-09.

Legend

RL – Residential Low Density
RA – Residential Agricultural
RMH – Residential Medium High
Density
SP15 – Specific Plan 15
(Brightwater)
CC – Coastal Conservation
CZ – Coastal Zone Overlay

Map of Surrounding Resources and Developments



221.07 Impermissible Alteration

Any area that constitutes wetlands or ESHA that has been removed, altered, filled or degraded as a result of activities carried out without compliance with the California Coastal Act requirements shall be protected as required by the City's Local Coastal Program Land Use Plan. (3834-7/09)

221.08 Land Use Controls

The land use controls for the CZ Overlay District shall be those of the base district with which the CZ Overlay District is combined. Where conflicts arise, the provisions of this chapter shall govern.

221.10 Requirements for New Development Adjacent to Environmentally Sensitive Habitat Area (3834-7/09)

As a condition of new development adjacent to a resource protection area, which includes any wetland, Environmentally Sensitive Habitat Area (ESHA), associated buffers, land zoned Coastal Conservation, as the same are defined in the City's Local Coastal Program, an applicant shall comply with the requirements listed below. (3834-7/09)

These requirements shall be applicable to lots within new subdivisions as well as development proposed on existing lots adjacent to an ESHA, wetlands, associated buffers, resource protection areas or land zoned Coastal Conservation, unless otherwise indicated. (3834-7/09)

- A. Landscape Plan shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water plants, and plants primarily native to coastal Orange County. (3834-7/09)
- B. 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. (3834-7/09)
- C. Pest 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 necessary Vector Control conducted by the City or County. (3834-7/09)
- D. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within the resource protection areas. (3834-7/09)
- E. Covenants, Conditions and Restriction (CC&Rs) in a form approved by the Office of the City Attorney shall be recorded specifying 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 of the lots in the subdivision. (3834-7/09)

- F. The project applicant shall provide any buyer of a housing unit within the CZ Overlay District an information packet that explains the sensitivity of the natural habitats within or adjacent to the project site and the need to 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 Pest Management Plan and be required for all sales of housing units pursuant to the CC&Rs. (3834-7/09)
- G. Protective fencing or barriers shall be installed and maintained between the resource protection areas 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; however, public access to designated passive recreational use areas shall be provided. Visual impacts created from any 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. (3834-7/09)
- H. Uses allowed adjacent to designated Environmentally Sensitive Habitat Areas shall assure the continuance of the habitat value and function of preserved and restored wetlands and ESHA. (3834-7/09)

221.12 Coastal Access and Public Use Areas, Signs Required

As a condition of new development on lots on or adjacent to recreation areas, public accessways, public use areas, trails, bikeways or the shoreline, or in conjunction with dedications of lateral or vertical access, the applicant shall provide signs identifying the public access and public use areas.

221.14 Preservation of Visual Resources

- A. An applicant proposing new development shall provide the Director with an evaluation of the project's visual impact, and incorporate in its design, to the satisfaction of the Director, the following elements:
 - 1. Preservation of public views to and from the bluffs, to the shoreline and ocean, and to the wetlands;
 - 2. Preservation of existing mature trees to the maximum extent feasible.
- B. Any alteration of the natural landform of the bluffs seaward of Pacific Coast Highway including grading and the development of parking lots shall be prohibited.

Alterations necessary for development of public trails and stabilization of bluffs may be permitted subject to approval of a coastal development permit.
(3334-6/97)

**ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING AND BUILDING DEPARTMENT
RECURCULATED 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:** Jennifer Villasenor, Associate Planner
Phone: (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:** Ed Mountford
Phone: (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

dwelling units 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.

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 infrastructure 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

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.

Figure 1 – Project Location

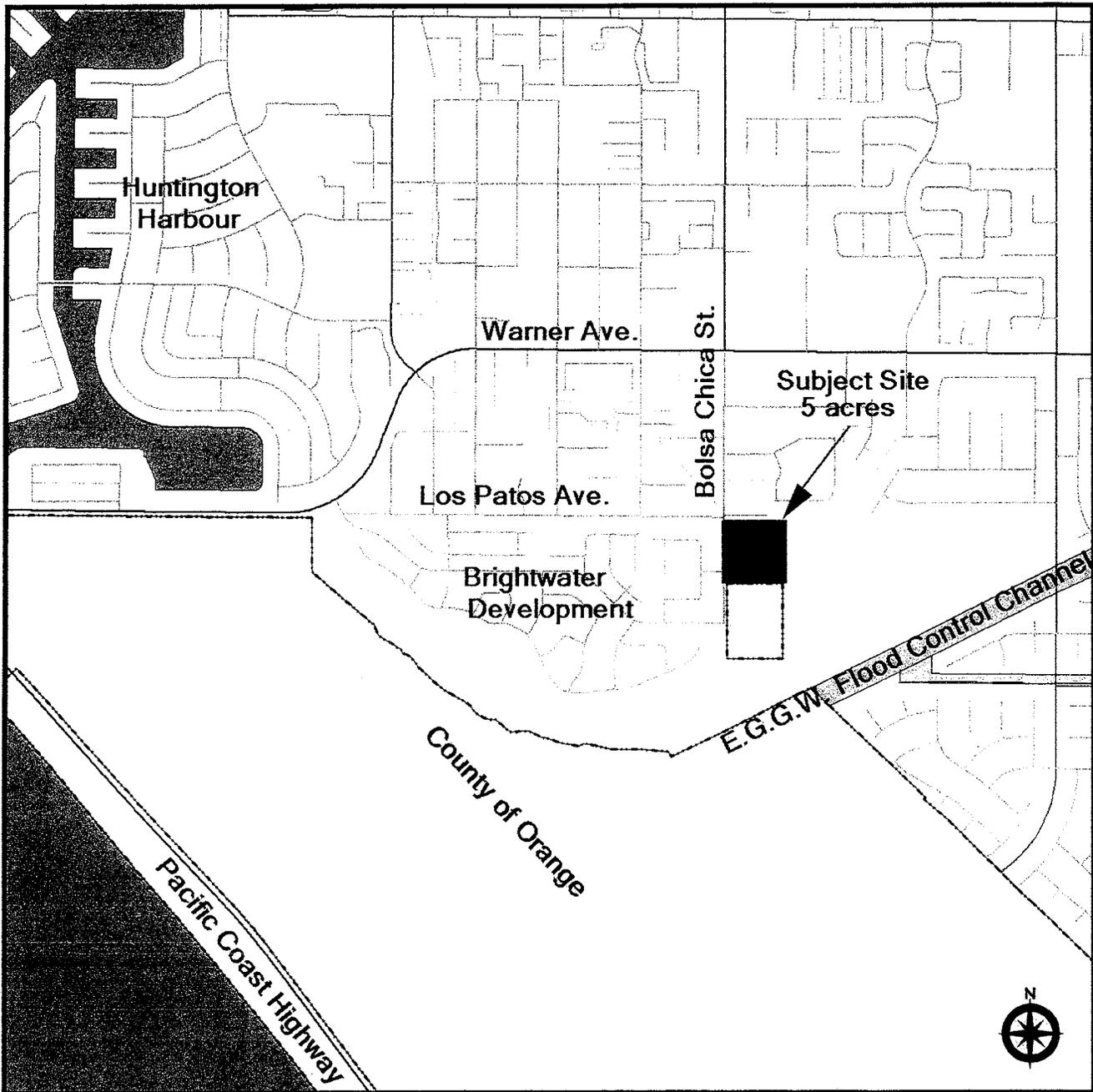
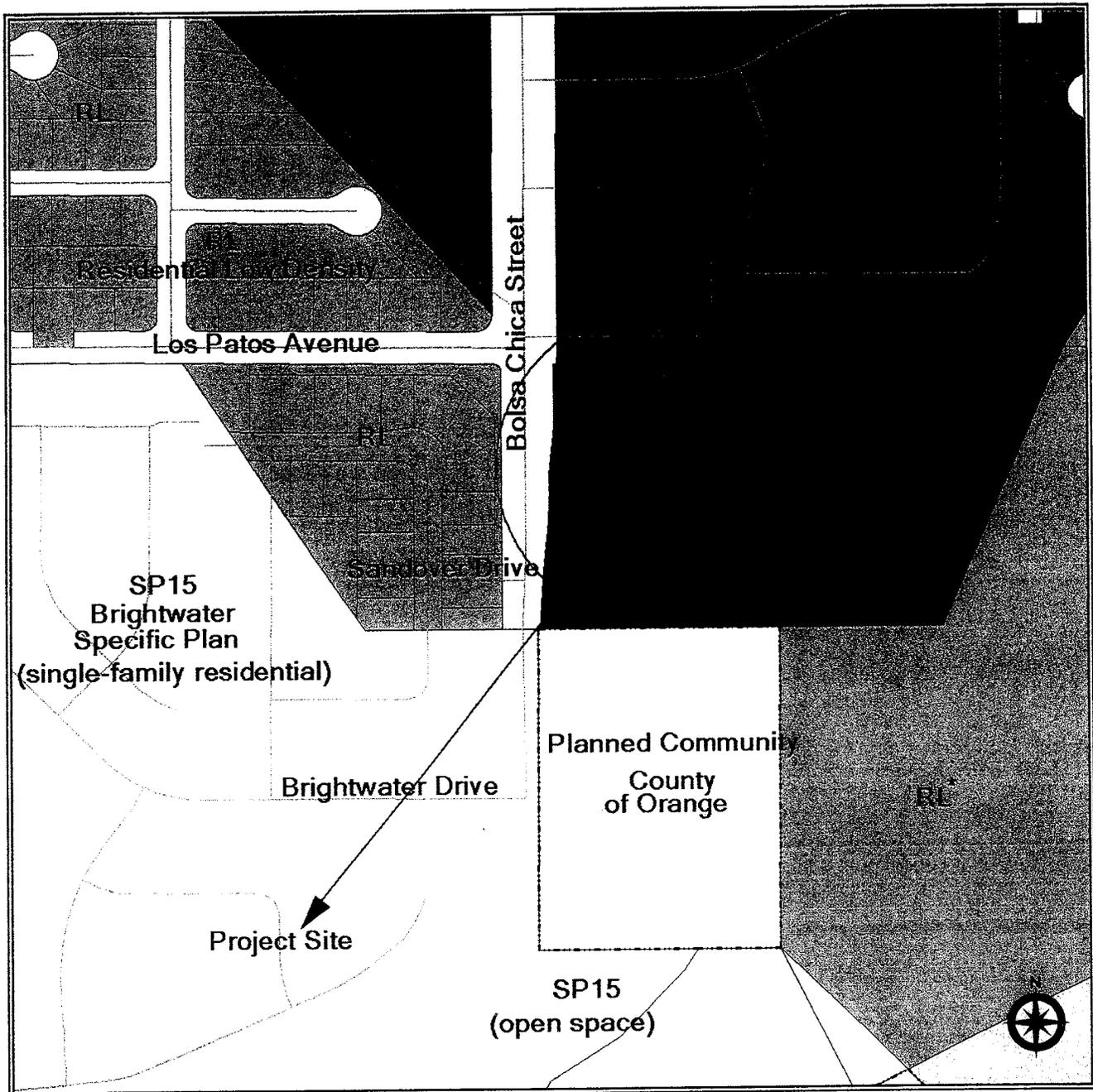


Figure 2 – Existing & Surrounding Zoning Designations



*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.

Figure 3 – Existing & Surrounding Land Use Designations

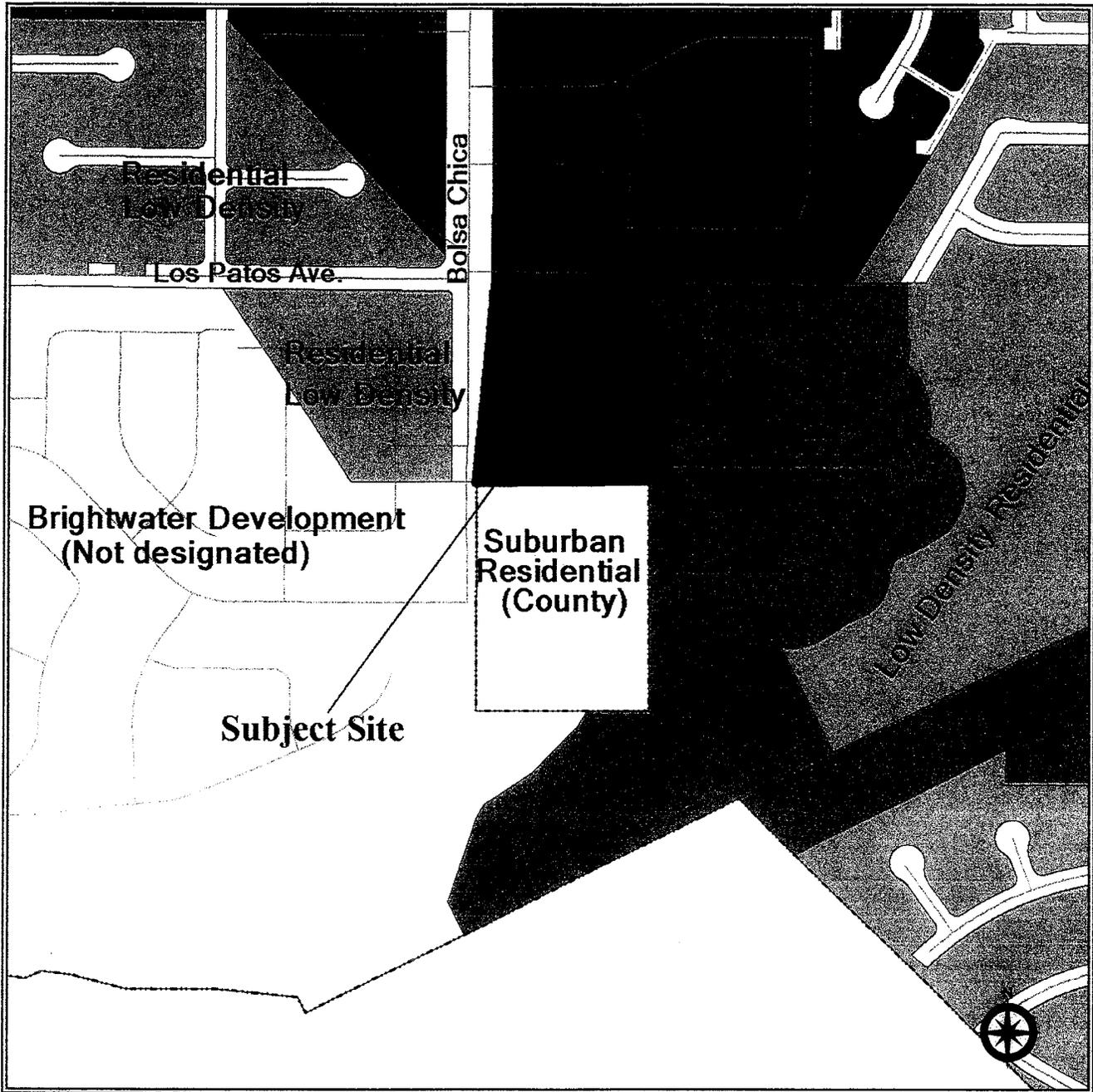


Figure 4 – Surrounding Developments and Resources (with contours)



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.**

Jennifer Villaseñor
Signature

3-3-10
Date

Jennifer Villaseñor
Printed Name

Associate Planner
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

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**

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	---	------------------------------	-----------

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

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

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. 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. 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.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:1,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion under iv.				
ii) Strong seismic ground shaking? (Sources: 1,5,7,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion under iv.				
iii) Seismic-related ground failure, including liquefaction? (Sources: 1,5,7,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

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.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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 of surface runoff in a manner which would result in flooding on or off-site? (Sources: 1,3,4,8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion under p.				
f) Otherwise substantially degrade water quality? (Sources: 1,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion under j.				
j) Inundation by seiche, tsunami, or mudflow? (Sources: 1,3,4,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion under p.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| l) Potentially impact stormwater runoff from post-construction activities? (Sources: 1,3,4,8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Mitigation Incorporated	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.

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.

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1,9,16)
Discussion: See discussion under e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create objectionable odors affecting a substantial number of people? (Sources: 1,9,16)
Discussion: See discussion under e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1,9,16)
Discussion: See discussion under e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

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 (PM₁₀) and fine particulate matter (PM_{2.5}). The Basin is also a State-level nonattainment area for Ozone, PM₁₀ 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.

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 <u>14.73</u>	21.72 <u>26.22</u>	25.05	26.26 <u>4.06</u>	6.37 <u>1.74</u>	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 exceedance of the most stringent applicable federal or state ambient air quality standard and are applicable to the following criteria pollutants: NO_x, CO, PM₁₀, 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}
<u>Significance Threshold</u>	<u>1,711</u>	<u>197</u>	<u>14</u>	<u>9</u>
<u>Estimated Construction Emissions for proposed project</u>	<u>14.73</u>	<u>25.05</u>	<u>4.06</u>	<u>1.74</u>
<u>Exceed Threshold?</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

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.

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, PM₁₀ 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 CO₂ emissions during construction. Post-construction CO₂ 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.**

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.

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 not 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)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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~~

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
--------------------------------	--	--	-----------

~~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

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	-------------------------	-------------------------	--------------------------------	------------------------------	-----------

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 eucalyptus 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

ISSUES (and Supporting Information Sources):

	Potentially Significant	Potentially Significant	Potentially Significant	Potentially Significant
	Unless Mitigation Incorporated	Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

- 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 provide 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 adjacent 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion under item d.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1,15) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

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)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

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)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: See discussion under item f.

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police Protection? (Sources:1)
Discussion: See discussion under item e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? (Sources:1)
Discussion: See discussion under item e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? (Sources:1,2)
Discussion: See discussion under item e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities or governmental services? (Sources:1,2) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

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 significant 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)

Discussion: See discussion under item b.

- 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 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 (OCS D) provides regional wastewater collection, treatment and disposal services for the City of Huntington Beach. Based on current OCS D flow factors, the proposed project would generate approximately 1,488 gallons of wastewater 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 OCS D. Compliance with applicable Waste Discharge Requirements, as monitored and enforced by the OCS D, 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

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant 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)

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

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

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 §15064.5?
(Sources:6, 22)
Discussion: See discussion under d. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
(Sources:6, 22)
Discussion: See discussion under d. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources:6, 22)
Discussion: See discussion under d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources:6, 22) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant 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.

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

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Potentially Significant 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:1,2)
Discussion: See discussion under c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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 throughout 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.

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)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

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.

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:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 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 Huntington 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, 7 th 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)	“

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
attached
previous

Attachment No. 1

Summary of Mitigation Measures

<u>Description of Impact</u>	<u>Mitigation Measures</u>
<ul style="list-style-type: none">▪ 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	<p><u>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.</u></p> <p><u>BIO-2:</u> <u>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.</u></p> <ul style="list-style-type: none">▪ <u>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.</u>▪ <u>If unoccupied burrows are found during the nonbreeding season, all burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.</u>▪ <u>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.</u>▪ <u>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.</u>▪ <u>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.</u>

<u>Description of Impact</u>	<u>Mitigation Measures</u>
<ul style="list-style-type: none"> ▪ Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 ▪ Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 ▪ Disturb any human remains, including those interred outside of formal cemeteries 	<p>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.</p> <p>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.</p>

RESPONSE TO COMMENTS FOR DRAFT
RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-016

- I. This document serves as the Response to Comments on Recirculated Draft Mitigated Negative Declaration No. 08-016. This document contains all information available in the public record related to the “The Ridge” 22-Unit Planned Unit Development Project as of April 2, 2010 and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

This document contains six sections. In addition to this Introduction, these sections are Public Participation and Review, Comments, Responses to Comments, Errata to Draft Recirculated Mitigated Negative Declaration No. 08-016, and Appendix.

The Public Participation section outlines the methods the City of Huntington Beach has used to provide public review and solicit input on Recirculated Draft Mitigated Negative Declaration No. 08-016. The Comments section contains those written comments received from agencies, groups, organizations, and individuals as of April 2, 2010. The Response to Comments section contains individual responses to each comment. The Errata to Recirculated Draft Mitigated Negative Declaration No. 08-016 is provided to show clarifications and corrections of errors and inconsistencies in the Recirculated Draft Mitigated Negative Declaration.

It is the intent of the City of Huntington Beach to include this document in the official public record related to Recirculated Draft Mitigated Negative Declaration No. 08-016. Based on the information contained in the public record, the decision-makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

A draft MND was made available for public review from September 10, 2009 to October 9, 2009. Subsequent to the comment period, a biological resources report was prepared for the project site. Based on the information contained in the technical report, 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.

The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that Recirculated Draft Mitigated Negative Declaration No. 08-016 had been prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of Recirculated Draft Mitigated Negative Declaration No. 08-016. The following is a list of actions taken during the preparation, distribution, and review of

Recirculated Draft Mitigated Negative Declaration No. 08-016.

A cover letter and copies of Recirculated Draft Mitigated Negative Declaration No. 08-016 were filed with the State Clearinghouse on March 4, 2010. The State Clearinghouse assigned Clearinghouse Number 2009091043 to the proposed project. A copy of the cover letter and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, Planning and Building Department, 2000 Main Street, Huntington Beach, California 92648.

An official 30-day public review period for Recirculated Draft Mitigated Negative Declaration No. 08-016 was established by the State Clearinghouse. It began on March 4, 2010 and ended on April 2, 2010. Public comment letters were received by the City of Huntington Beach through April 2, 2010.

Notice of Recirculated Draft Mitigated Negative Declaration No. 08-016 was published in the Huntington Beach Independent on March 4, 2010 as well as advertised on the City's website. Notices were also sent to property owners and tenants within a 1,000' radius of the project site.

Copies of the document were made available to agencies, groups, organizations, and individuals at the following locations:

City Hall – City Clerk's Office
City Hall – Planning & Zoning Counter
Central Library
On the City's website

III. COMMENTS

Copies of all written comments received as of April 2, 2010 are contained in Appendices A & B of this document. All comments have been numbered and are listed on the following pages. Since the project included two 30-day comment periods: one on draft Mitigated Negative Declaration No. 08-016 and one on Recirculated draft Mitigated Negative Declaration No. 08-016, all comments are included in this section. Comments on draft Mitigated Negative Declaration No. 08-016 are included in Appendix A. Comments on Recirculated draft Mitigated Negative Declaration No. 08-016 are included in Appendix B. All comments are referenced by number with the responses directly adjacent to the reference number for clarity. Responses to Comments for each comment that was submitted on draft Mitigated Negative Declaration No. 08-016 and Recirculated Mitigated Negative Declaration No. 08-016 that raised an environmental issue are contained in this document.

IV. RESPONSE TO COMMENTS

Recirculated Draft Mitigated Negative Declaration No. 08-016 was distributed to responsible agencies, interested groups, organizations, and individuals. The report was made available for public review and comment for a period of 30 days. The public review period for Recirculated Draft Mitigated Negative Declaration No. 08-

016 was established by the State Clearinghouse on March 4, 2010 and expired on April 2, 2010. The City of Huntington Beach received comment letters through April 2, 2010.

Copies of all documents received as of April 2, 2010 are contained in Appendices A & B of this report. Comments have been numbered with responses correspondingly numbered. Responses are presented for each comment that raised a significant environmental issue.

Several comments do not address the completeness or adequacy of Recirculated Draft Mitigated Negative Declaration No. 08-016, do not raise significant environmental issues, or request additional information. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment acknowledged" or similar reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

RESPONSE TO COMMENTS – DRAFT MITIGATED NEGATIVE DECLARATION (MND NO. 08-016)

State Departments

Department of Transportation

DOT-1: This comment states that the DOT does not have comments at this time. Comment acknowledged.

California Coastal Commission

CCC-1: This comment summarizes the project. Comment acknowledged.

CCC-2: This comment indicates that the final land use designations will be subject to approval by the California Coastal Commission. The comment also notes that the project site is in the appealable area of the coastal zone and the coastal development permit may be appealed to the Coastal Commission. The comment outlines three areas of concern, which are addressed in the comments/responses that follow: the higher priority Open Space – Parks use over the lesser priority residential use, identified and potentially present sensitive habitats and species adjacent to the project site, and archeological/cultural resources. Comment acknowledged.

CCC-3: Section I. Land Use and Planning of the recirculated draft MND analyzes the proposed change in the land use designation from Open Space – Parks to Residential Low Density. The analysis states that although the land use designation would be changed from the higher priority open space designation to a lower priority residential designation, the project would not be inconsistent with the Coastal Act in that recreational opportunities would still be afforded to all people, particularly people in the vicinity of the project area. In addition, there would not be a substantial loss in existing recreational opportunities from the proposed project as the City does not plan or intend to utilize the privately owned project site for a public park and does not include the project site in the current park inventory. Existing recreational

opportunities are available in the vicinity that would serve the approximately 57 potential new residents from the project. In addition, a 5,776 square foot common open space area would be provided by the project. A 30-foot wide parcel north of the project site is proposed to be improved to provide enhanced coastal access to existing coastal recreational and open space areas. Although the parcel is currently owned by the City, it is unimproved and does not provide noticeable coastal access other than to people that are already familiar with the area. Finally, the current zoning of the site would allow for up to five dwelling units to be developed on the site.

- CCC-4: The proposed project does not include private use of the street and on-street parking spaces and would be accessible for use by the general public. There are no entry controls or parking restrictions proposed for the project in accordance with the referenced Coastal Element policy.
- CCC-5: The proposed 30-foot wide parcel north of the project site is proposed to be improved to provide enhanced coastal access. Although the parcel is currently owned by the City, it is unimproved and does not provide noticeable coastal access other than to people that are already familiar with the area. The 30-foot wide public access trail is proposed to provide a public benefit in conjunction with the Planned Unit Development (PUD) and not to offset the loss of land designated for open space. As discussed in Recirculated MND No. 08-016 the proposed change in land use and zoning designations does not result in significant impacts such that mitigation (i.e. – offsetting the loss of open space) would be required. See response CCC-3.
- CCC-6: The proposed language for the zoning text amendment was included as Attachment 4 to the draft MND that was forwarded to the Coastal Commission. In addition, the zoning text amendment would be submitted to the Coastal Commission for review and certification as part of the Local Coastal Program amendment request.
- CCC-7: The variable width buffer that was approved for the Land Use Plan for the Parkside/Shea project is specific to the Parkside/Shea site and is not applicable to other properties adjacent to the Parkside site including the proposed project site. Recirculated draft MND No. 08-016 includes an analysis, substantiated by a biological resources assessment prepared by a qualified biologist, on the project's potential impacts on the Environmentally Sensitive Habitat Area (ESHA) east of the project site. The analysis points out that raptors species have been observed foraging in existing residential areas near the project site and nests were constructed within 50 feet of an adjacent residential condominium complex. It is also noted in the analysis that raptors are very tolerant of human activity and even more tolerant of stationary human presence associated with residences. Therefore, the proposed buffer of 140 to 160 feet would be adequate. The proposed buffer also meets the minimum buffer requirements of the City's certified Local Coastal Program for development adjacent to an ESHA. Worth noting, the variable width buffer that was approved for eucalyptus ESHA for the Brightwater project includes buffer widths in the range of the proposed project.
- CCC-8: The comment states concerns regarding construction grading that would occur for the proposed project on the adjacent ESHA. Although the comment does not specify what those concerns are, the project is required to comply with requirements for erosion and

sediment controls during construction. As stated in Section III. Geology and Soils of the recirculated draft MND, these requirements include preparation and implementation of a Storm Water Pollution Implementation Plan (SWPPP) and incorporation of Best Management Practices that would include erosion and sediment controls, runoff water quality monitoring, maintenance responsibilities and non-stormwater management controls. In addition, the project is required to comply with Chapter 17.05 – *Grading and Excavation Code* of the Huntington Beach Municipal Code, which specifies requirements for the protection of adjacent properties during grading operations. The recirculated draft MND determined that construction impacts, including site grading, on- and off-site would be less than significant.

- CCC-9: There is currently no heavy, woody vegetation on the Shea property adjacent to the project site that would constitute a “fuel load” and require fuel modification. Existing vegetation currently consists of primarily mustard and other weedy species. In addition, the proposed project includes a landscape area on the eastern sloped perimeter of the site that would be irrigated thus providing an “irrigation zone” adjacent to the homes. In addition, the City of Huntington Beach Fire Department has reviewed the proposed development and did not identify a requirement for fuel modification at the project site.
- CCC-10: Impacts to biological resources on the project site were re-analyzed in Recirculated draft MND No. 08-016. The analysis is based on a biological resources assessment that was prepared for the project by a qualified biologist. The analysis notes that due to the absence of trees and structures for perching and nesting on the project site, raptor foraging opportunities are limited and thus, impacts from the loss of raptor foraging opportunities on the project site are less than significant. While the analysis does note the 23 acres that will be preserved on the Parkside/Shea property, it does not rely on those 23 acres in determining the significance of potential impacts the proposed project will have on the adjacent ESHA. Potential impacts on the ESHA, specifically the proximity of the proposed development to the ESHA, were determined to be less than significant due to various factors, including observations of raptors and nests in existing residential areas in the vicinity of the project site, previous raptor “flushing” studies, and project design features that would minimize disturbance from residential development in the area. See response CCC-7.
- CCC-11: As noted in the previous responses, a biological resources assessment was prepared for the project and included in the analysis of potential impacts to biological resources in the recirculated draft MND. In addition to analyzing impacts to the adjacent ESHA (see responses CCC-7 and CCC-10), the report also identified potential impacts to sensitive species and habitats from the proposed project on the project site. Because the project site generally consists of fallow agricultural and barren land, impacts to special status species would be less than significant. Also, because there are no structures or vegetation for perching or nesting, raptor foraging opportunities on the project site are limited. The report did identify two special status species with the potential to occur on the site and that have been known to occur in the vicinity of the project site. As such, mitigation measures are recommended to ensure that impacts to these species would be less than significant. The analysis in the recirculated draft

MND also states that the project site is outside of the approved buffer area for the wetland on the Parkside/Shea property.

Direct impacts from construction and development of the project site on the Brightwater open space habitat area and the Bolsa Chica restoration area would not be significant due to the substantial distance from the project site to these areas. Impacts from the proposed land use and zoning designation amendments would not result in significant impacts. Although the project site has a land use designation of Open Space – Parks, it is privately owned and not currently utilized for recreational purposes. Therefore, changing the open space designation would not indirectly result in more people utilizing the aforementioned open space areas because they could no longer use the project site. In addition, the potential increase in 57 new residents that would be able to utilize the Brightwater and Bolsa Chica open space areas is not substantial and would not create significant impacts to those areas as an indirect result of population growth in the vicinity.

CCC-12: Comment acknowledged. Recirculated draft MND No. 08-16 notes that the May 2009 Archeological Report was peer-reviewed by members of the Bolsa Chica Peer Review Committee. The peer-reviewers agreed with the conclusions of the report and the recommended mitigation measures. In addition, notices of the draft MND and recirculated draft MND were sent to the Native American Heritage Commission (NAHC) as well as the tribes identified on the NAHC tribal contact list. All comments regarding the proposed zoning, land use and development applications will be considered by the Planning Commission and City Council.

CCC-13: Mitigation Measure CR-2 has been revised (see Section V. – Errata) to include the option to preserve in place in the unlikely event that human remains are discovered during construction. Mitigation Measure CR-1 already includes language to “protect or scientifically remove” cultural resources that may be discovered during construction. This would provide for both preservation in place or archeological excavation.

Local/Regional Agencies

Huntington Beach Environmental Board

EB-1: The comment indicates that the full Board did not review the EA and that the reviewing Board members have conflicting opinions with respect to the draft MND and the developer’s financial capabilities. Comment acknowledged.

EB-2: The comment summarizes the project and indicates that the Board would generally not support the requested entitlements. However, because the project would be a “green” project, the Board would consider this “adequate mitigation or exchange” for the project’s entitlements. Comment acknowledged.

EB-3: Comment acknowledged. The comment states that the proposed project should serve as an example for future projects and provides suggestions for the “green” aspects and certification of the project.

EB-4: Comment acknowledged. The comment is related to financial capabilities of the developer.

Organizations/Individuals

Elizabeth Kennedy

KEN-1: Comment acknowledged. Also, refer to Recirculated draft MND No. 08-016 and Section V. Errata for an analysis of biological and archeological impacts. Based on technical studies, the analysis concludes that the project, with mitigation, will result in less than significant impacts in these areas.

Anna Friesen

FRIES-1: Comment acknowledged. The comment states the commenter's objection to building homes in the Bolsa Chica area and will be forwarded to the Planning Commission for consideration.

FRIES-2: Comment acknowledged. Also, refer to Recirculated draft MND No. 08-016 for an analysis of potential impacts to land use and planning, which includes the proposed change in land use designation from Open Space – Parks to Residential Low Density and concludes less than significant impacts. The comment is expressing opposition to the proposed change and will be forwarded to the Planning Commission and City Council for consideration.

Chloe and Ed Mieczkowski

MIEC-1: Comment acknowledged. The comment is expressing opposition to the proposed project and will be forwarded to the Planning Commission for consideration.

Isabelle Chasse

CHAS-1: Comment acknowledged. Recirculated draft MND No. 08-016 includes an analysis of potential impacts on biological resources. The analysis is based on a biological resources assessment that was prepared by a qualified biologist for the proposed project. The analysis identified sensitive species and habitats with the potential to occur on the project site. The analysis concluded that impacts to biological resources would be less than significant, with mitigation. While views of the project site would change, the recirculated draft MND concludes that view impacts to and from the project site would be less than significant (refer to Section XIII, Aesthetics). It should also be noted that while the subject property is designated Open Space – Parks, the property is not developed for park purposes and is a privately owned parcel. Any use of the site that currently exists would be considered trespassing on private property.

CHAS-2: Comment acknowledged. Refer to Recirculated draft MND No. 08-016 for analysis on potential impacts to noise, air quality, public services and traffic/transportation, which concludes less than significant impacts in these areas.

CHAS-3: Comment acknowledged. The comment indicates that the "Cogged Stone" archeological site (CA-ORA-83) extends onto the subject site. However, based on a technical report prepared for the recirculated draft MND, CA-ORA-83 does not extend onto the subject property. In addition, as stated in Recirculated draft MND No. 08-

016, the subject property has undergone archeological testing and excavation and it is not anticipated that intact archeological resources would be encountered during project construction.

CHAS-4: Comment acknowledged. The comment states opposition to the project and will be forwarded to the Planning Commission for consideration.

Amigos De Bolsa Chica

ABC-1: The comment states a concern regarding the processing of a negative declaration in an area “known for its critical biological importance.” Comment acknowledged. The determination to process a mitigated negative declaration for the proposed project is based on an analysis of the environmental impacts including impacts to biological resources. Impacts to biological resources were further analyzed based on a biological resources assessment that was prepared for the project. With the incorporation of mitigation measures, impacts to biological resources are anticipated to be less than significant. Therefore, a mitigated negative declaration would be the appropriate level of environmental processing for the proposed project. In addition, the determination to process a mitigated negative declaration was approved by the City’s Environmental Assessment Committee as well as the Planning Commission.

ABC-2: Impacts on the adjacent ESHA to the east were analyzed in Recirculated draft MND No. 08-016 based on a biological resources assessment that was prepared for the project by a qualified biologist. See responses CCC-7 and CCC-10 regarding a discussion on adequacy of the proposed buffer. See also response ABC-4 below.

ABC-3: The open space requirement that is referenced in the comment is for required open parking spaces. Open parking spaces are proposed to be provided on the street. The streets and driveways are not proposed to satisfy open space requirements related to recreational uses. This point is clarified in Recirculated draft MND No. 08-016 on page two.

ABC-4: Draft MND No. 08-016 did not identify mitigation measures with respect to protection of the ESHA as the comment states. In addition, preparation of an Environmental Impact Report (referenced in the comment as an Environmental Impact Statement) is not a means of requiring technical studies to fully analyze the potential impacts of a project. Technical studies are utilized to assess the significance of potential impacts from a project and can be utilized in conjunction with any level of environmental review in accordance with CEQA.

The analysis in Recirculated draft MND No. 08-016 regarding impacts to the ESHA is based on a biological resources assessment that was prepared by a qualified biologist. The biological resources assessment fully investigated potential impacts to the site and surrounding properties, including the ESHA east of the project site. The recommended mitigation measures in the biological resources assessment are incorporated in the recirculated draft MND and would ensure that impacts from the project would be less than significant.

Liz Whyte

WHYT-1: The comment states that the project site would be “carving up wetland space for Hearthside.” The project site does not contain any wetlands. The remaining portion of the comment states that wildlife (i.e. – squirrels and coyotes) is displaced to the backyards of existing homes. The biological resources assessment that was prepared for the project notes that wildlife such as squirrels and coyote utilize a variety of habitat types and have been observed within and in the vicinity of the project site. However, habitat for sensitive species on the project site is limited because the site consists of fallow agricultural and barren land types. Impacts to sensitive species with the potential to occur on the project site are addressed in the recirculated draft MND and recommended mitigation measures would ensure that impacts would be less than significant. Finally, archeological testing and excavation of the subject property has already occurred. The project site does not have the potential to yield significant archeological resources. Nonetheless, mitigation measures requiring archeologist and Native American monitoring at the site are recommended in the event that resources are recovered during ground disturbing activities.

Merle Moshiri

MOSH-1: The commenter is objecting to the construction of 22 homes built “at or near a sacred site”. The commenter is referring to the archeological site CA-ORA-83 and refers to the site earlier in the comment as the “Cog Site.” Archeological testing and excavation have occurred at the subject property and CA-ORA-83 is not present on the site. In addition, development of the project site near CA-ORA-83 would not impact the archeological site since the project is not proposing construction or grading outside of the project area.

Karna Bramble

BRAM-1: Comment acknowledged. The comment states the commenter’s objection to building homes in the Bolsa Chica area and will be forwarded to the Planning Commission for consideration. Although the site is designated for open space, it is privately owned and is not currently utilized for recreational open space for the public. Therefore, there are no current recreational opportunities afforded to children on the project site. The project would also be required to pay park in-lieu fees in accordance with City requirements. In addition, based on the analysis of biological resources impacts in the recirculated draft MND, the project does not provide significant habitat for sensitive species such that the project site would need to be preserved in order to protect wildlife. Finally, the project site is currently zoned Residential Agricultural and would allow development of up to five single-family homes absent the request for a change to the zoning designation.

Barbara Rose

ROSE-1: Comment acknowledged. The comment states the commenter’s objection to building homes in the Bolsa Chica area and will be forwarded to the Planning Commission for consideration. See response BRAM-1 and WHYT-1.

Rita Agustines

AGUS-1: Comment acknowledged. The comment states the commenter’s objection to building homes in the Bolsa Chica area and will be forwarded to the Planning Commission for

consideration. See response BRAM-1 and WHYT-1. It should be noted that the project site is not considered an Environmentally Sensitive Habitat Area. In addition, the project is proposed on the Bolsa Chica Mesa, not the Wetlands, and would not result in disturbance to the wetlands.

AGUS-2: The proposed project would not result in the loss of habitat at the Bolsa Chica Wetlands. See response BRAM-1, WHYT-1 and CCC-11 regarding impacts from the proposed change in the land use designation from Open Space – Parks to Residential Low Density and raptor foraging opportunities on the project site.

Jody Graham

GRAH-1: Comment acknowledged. The comment states the commenter's objection to building homes in the Bolsa Chica area and will be forwarded to the Planning Commission for consideration. See response WHYT-1. In addition, Recirculated draft MND No. 08-016 concluded that impacts to traffic and public services as a result of the project would be less than significant.

Mark Bixby

MBIX-1: The recirculated draft MND describes and analyzes the proposed public benefit of improving the existing City-owned 30-foot wide parcel north of the project site for enhanced coastal access from the standpoint of potential environmental impacts. The public benefit is proposed to meet, in part, the requirement of PUD projects to provide a public benefit. The merits of the proposed public benefit are not an environmental issue and would be considered by the Planning Commission during consideration of the proposed coastal development permit. As this comment relates to the project, it will be forwarded to the Planning Commission for consideration.

MBIX-2: The approvals for the Parkside project require that the development "shall assure the continuance of the habitat value and function of the wetlands" on the Parkside site. This would require that a permanent water source to the wetlands be maintained regardless of development that occurs outside of the Parkside project site, which is beyond the project's control. Although development of the project site may result in less stormwater flowing to the Parkside site, stormwater flows from the project site were not identified as the only water source and would not be relied upon to provide water to the wetland in the future. In addition, the Parkside approvals are clear in that a water source must be established and maintained as part of the responsibility of the Parkside project.

The attached study submitted by the commenter will be attached to the record and forwarded to the Planning Commission for consideration.

MBIX-3: Recirculated draft MND No. 08-016 re-analyzed impacts to biological resources and provides an updated discussion on potential impacts on the ESHA east of the project site. As a result, the discussion from the draft MND (prior to recirculation) that is cited in the comment is no longer part of the analysis for determining the significance of the impacts. The revised biological resources analysis is based on a biological resources assessment that was prepared for the project by a qualified biologist. See response CCC-7 and CCC-10.

MBIX-4: The impacts discussed in the comment letter are either not environmental issues (public benefit) or have been analyzed in Recirculated draft MND No. 08-016 and impacts were determined to be less than significant. The comment letter does not identify significant impacts that were not considered in the environmental analysis such that an EIR would be required.

Gary Trudeau

TRUD-1: The comment expresses opposition to the proposed public benefit of the project and does not raise any environmental issues. The comment is acknowledged and will be forwarded to the Planning Commission for consideration.

TRUD-2: The comment states that the City-owned parcel north of the project site in its current unimproved condition reflects the nuisances characteristic of vacant lots such as litter and drug paraphernalia. The comment also states that the parcel is used by homeless and local youths as an “unsupervised hang out.” The comment also states that prior to the parcel being transferred to the City (“city’s easement”) the area was home to various bird and wildlife species. The comment is acknowledged and will be forwarded to the Planning Commission for consideration. It should be noted that the environmental analysis includes an assessment of current conditions and reflects the proposed changes of the City-owned parcel from an unimproved condition to an improved condition and does not consider prior conditions of the parcel.

TRUD-3: The comment also compares the existing state of the City-owned parcel north of the project site to the previous condition prior to conveyance to the City. The comment does not raise any environmental issues and is acknowledged. However, it should be noted that the proposed improvement of the City-owned parcel would likely reduce some of the disturbances that the commenter states are currently occurring as a result of the unimproved condition of the parcel. The comment will be forwarded to the Planning Commission for consideration.

TRUD-4: The comment suggests that the proposed public benefit will lower property values of the new homes in the proposed project and does not raise any environmental issues. The comment is acknowledged and will be forwarded to the Planning Commission for consideration.

TRUD-5: The comment expresses opposition to the proposed public benefit of the project and suggests eliminating the easement/access area and does not raise any environmental issues. The comment is acknowledged and will be forwarded to the Planning Commission for consideration.

Jan Vandersloot

VAN-1: The comment states that the project should be analyzed by a “full EIR rather than a Mitigated Negative Declaration.” The comment further identifies several issues that need further evaluation, which are identified and addressed in the following responses. Finally, the comment states that there is no public benefit to changing the land use designation of the property. It should be noted that the proposed public benefit is required because the development is proposed as a Planned Unit Development (PUD).

A PUD development typically requires a public benefit in order to have more flexibility with respect to the project design and layout than the strict interpretation of traditional zoning standards would allow. The public benefit is not related to the request to change the land use designation of the property.

VAN-2: The comment states the commenter's viewpoint that the zoning should be changed to be consistent with the Open Space – Parks designation of the General Plan and certified Land Use Plan. It should be noted that the recirculated draft MND analyzes the proposed project's request to amend the land use designation and does not provide recommendations for changes to the project request. The comment also states the significance of the open space parcels of the entire Bolsa Chica area, including the Shea/Parkside site, due to the habitat value for raptor foraging. The comment states that an EIR should evaluate impacts of the project and the loss of this area as raptor foraging habitat. Recirculated draft MND No.08-016 analyzed impacts of the project with respect to impacts to raptors. The analysis, which was based on a biological resources assessment prepared by a qualified biologist and peer-reviewed by a separate biologist, concludes that the project site itself presents limited raptor foraging opportunities since the site is devoid of trees and structures for perching and nesting. The analysis also concluded that impacts on the raptors using the ESHA east of the project site would not be significant due to the project's design features such as "Dark Sky" lighting, the proposed buffer from the ESHA, which was determined to be adequate in the biological study, and the project's requirement to comply with the provisions of the City's certified Local Coastal Program for development adjacent to an ESHA.

VAN-3: The comment states that the project site is designated as Open Space – Parks and that Huntington Beach has a deficiency of park space. The comment states that an EIR should examine the loss of even more park space and that this is a significant impact. The proposed project would not result in the loss of park space or existing recreational opportunities since the project site is not developed as a park. Also, since the project site is privately owned, passive use of the property by the public does not exist. In addition, the property is not included on the City's inventory of parks and the City's Community Services Department does not intend to acquire the site in the future for a park or recreational use. As analyzed in the recirculated draft MND, the project would be required to provide 0.29 acres of park space to meet the current General Plan standard of 5 acres of park space for every 1,000 residents. The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requires a project's park requirement to be met either through the dedication of open space or payment of in-lieu fees. The Community Services Department has indicated that the project would be required to pay in-lieu fees to satisfy the project's park requirement. In addition, the project is proposing a 0.13 common open space with passive park amenities. While the City has an overall existing deficiency in park space according to the General Plan standard, the project's contribution would be less than significant as the project would be providing for its total park requirement through in-lieu fees plus an additional 0.13 acres of open space area.

VAN-4: The recirculated draft MND analyzes the project's impact on aesthetics including the change from an undeveloped area to a developed one as well as the project's impact on

scenic vistas. Refer to pages 41-43 of the recirculated draft MND for a discussion of the project's impacts on aesthetics, which includes analysis of the points brought up in the comment.

- VAN-5: The project's emissions and potential impacts on air quality are addressed in the recirculated draft MND on pages 23-26. The project's construction and operational emissions would not result in an exceedence of established significance thresholds of the South Coast Air Quality Management District (SCAQMD).
- VAN-6: According to the recirculated draft MND, the project potential to increase the City's population by 57 residents would represent approximately 0.03% of the City's population and concludes that this would be a less than significant impact. Impacts on the "loss of open space" are analyzed in the Land Use, Recreation and Aesthetics sections of the recirculated draft MND. Impacts would be less than significant and no mitigation is recommended.
- VAN-7: The comment states that the "property is part of the Bolsa Chica ecosystem, which is a hotspot of regional and national importance." See response VAN-2 above for a discussion of the project's impacts to raptor foraging areas and the proximity to the ESHA. See also response CCC-10.
- VAN-8: The comment states that a report regarding archeological findings for the Brightwater project was due on February 10, 2010. Comment acknowledged. See response MOSH-1. The project site does not contain the archeological site ORA-83. In addition, the project site has undergone a multi-phased research design program including excavation. Since the site has already been excavated, it is not likely that resources would be discovered during construction. However, mitigation measures are recommended in the unlikely event that resources are found during grading and construction.
- VAN-9: A greenhouse gas analysis is provided in the recirculated draft MND. The analysis does consider different types of sources of greenhouse gas emissions (GHG) including emissions from vehicle and household heating systems. The analysis on page 26 of the recirculated draft MND concludes that the project's cumulative contribution of greenhouse gas emissions would be less than significant. Mitigation is not recommended since the project has been designed to incorporate GHG reduction strategies of the California Climate Action Team and the California Attorney General's Office.
- VAN-10: See response VAN-1. In addition, the site is not currently used for park purposes. It is privately owned and not open to the general public. The "green" building aspects of the project are not related to the proposed change in land use designation from Open Space – Parks to Residential Low Density.
- VAN-11: The comment states that an EIR is required. However, the recirculated draft MND concludes that all potential direct and indirect impacts from the project are less than significant or can be mitigated to a less than significant level.

Julie Bixby

- JBIX-1: The recirculated draft MND was updated to disclose that the public can currently access the 30-foot wide parcel, which is proposed to be improved and connects to the existing informal path on the Shea property. The recirculated draft MND states that the Shea path is informal, which implies that it is unimproved. The recirculated draft MND will be clarified to state that the existing informal path is unimproved. The path is described as connecting to the flood control channel and ultimately the wetlands in the Land Use and Planning section on page 12.
- JBIX-2: The comment questions the improvement of coastal access via the improvement of the 30-foot wide City-owned parcel north of the project site. Currently, the site does provide access but is unimproved and does not provide any discerning qualities to the general public that they could access the coast from that parcel. As such, the improvement of the 30-foot wide parcel would provide for enhanced coastal access, which was clarified in the recirculated draft MND. The improvement of the 30-foot wide parcel as part of the project's proposed public benefit is analyzed from the standpoint of environmental impacts. The analysis of environmental impacts does not provide a recommendation or discuss the adequacy of the benefit to the public that is required as part of the PUD development. To this end, the comment's argument as to the adequacy or degree that the public would benefit from the proposed improvement of the 30-foot wide parcel will be forwarded to the Planning Commission for consideration.
- JBIX-3: The project's second proposed public benefit of the incorporation of green building practices is proposed as part of the PUD development of the project and not to reduce environmental impacts. As the comment questions the adequacy of the benefit to the public, this comment will be forwarded to the Planning Commission for consideration. The comment also states that green building practices should be standard for all developments. While the City has made efforts to require sustainable development practices in many new plans and projects, the City has not adopted any comprehensive changes to existing policies any codes that would require sustainable development practices in all projects.
- JBIX-4: As stated in the recirculated draft MND, no previous environmental document has been done for the project or project site. Previous environmental documentation that analyzed development on the Bolsa Chica Mesa did not include the project site. In addition, a project has not been proposed on the site in the past that would have necessitated environmental review. Therefore, "NONE" would be a true and correct statement.
- JBIX-5: The recirculated draft MND does address the City's current General plan policy of 5 acres of park space for every 1,000 residents in the Recreation section on pages 45 and 46. See response VAN-3 for further response to this comment.
- JBIX-6: See response JBIX-2. In addition, although other coastal access opportunities exist in the area, the proposed public benefit would enhance another opportunity to access the coast, which is consistent with General Plan policies for promoting coastal access.

The recirculated draft MND does not provide opinion as to which coastal access opportunity is better.

- JBIX-7: The existing slope adjacent to the project site would be preserved in that no development would be constructed on it.
- JBIX-8: The deviations to minimum lot size and width are proposed as part of the PUD development. The City's zoning ordinance allows these deviations as part of a PUD development.
- JBIX-9: A tandem parking configuration is one in which two cars would park one behind the other instead of side by side. The project is proposing to allow 10 of the required open spaces to be provided in the available on-street parking. This would leave an additional 13 on-street parking spaces for the general public. In addition, it should be noted that the City allows existing single-family residences to count available on-street parking spaces toward one of the required open parking spaces per unit.
- JBIX-10: The comment is referring to the improvement of the City-owned parcel as a public benefit. The recirculated draft MND was clarified to state that the public could currently access the parcel and that the project is proposing to provide enhanced coastal access.
- JBIX-11: See response VAN-2, CCC-7 and CCC-10.
- JBIX-12: There is nothing in the record for the Parkside/Shea project that concludes that the Coastal Commission determined the adequacy of the Shea buffers based on the current land use designation of the project site. The recirculated draft MND provides an analysis of the project's proximity to the ESHA. The analysis is based on a biological resources assessment that was prepared by a qualified biologist and peer-reviewed by a separate biologist.
- JBIX-13: See response JBIX-5 and VAN-3.
- JBIX-14: The recirculated draft MND has been clarified in the Errata to state that the project would preserve public views from the slope edge at the eastern point of the site. Views from the east to the project site were analyzed in the Aesthetics section on pages 42 and 3 of the recirculated draft MND. It should be noted that the existing slope would be preserved as a significant scenic resource.
- JBIX-15: The Goodell property does not have a proposal to build homes. In addition, land use designations have not been approved for the property and it is not foreseeable to assume that homes would be built on the Goodell property at this time. Impacts to public views from any future development proposal on the Goodell property would be analyzed as part of the environmental review for that specific project.
- JBIX-16: Comment acknowledged. As part of the CC&Rs for the project as well as the suggested conditions of approval, the use of "Dark Sky" lighting at the project site

would be enforceable by the project's Homeowners' Association as well as the City's Code Enforcement Division.

JBIX-17: The project is proposing (and a condition of approval is recommended) to provide "Dark Sky" lighting to minimize impacts to raptors in the ESHA.

JBIX-18: See response JBIX-7 and JBIX-14.

JBIX-19: The archeological monitor or the proposed project site is subject to review by the City to ensure that the applicant retains a qualified archeological monitor. Prior or existing enforcement actions on another project do not change the conclusions of the recirculated draft MND regarding impacts to cultural resources.

JBIX-20: See response JBIX-14.

JBIX-21: See responses VAN-3 and JBIX-5.

JBIX-22: See response VAN-2. Also, the project is required to comply with City code requirements and conditions of approval that require "Dark Sky" lighting, a Domestic Animal Control Plan and a Pesticide Management Plan to minimize impacts o the ESHA. Because these are either already project design features or required by code, no mitigation is recommended.

JBIX-23: There is nothing in the record for the Brightwater and Parkside/Shea projects that indicate that those projects were approved based on the existing land use designation of the project site. References to the project site to provide a description of the surrounding area does not deem previous planning efforts and project approvals invalid.

JBIX-24: See responses VAN-3 and JBIX-5.

JBIX-25: The points in the comment A – H were addressed in the previous responses (JBIX-1 to JBIX-24). The commenter is stating that an EIR is required due to each of these points. However, not all of the points address environmental impact issues. In the case where the adequacy of the environmental analysis in the recirculated draft MND does come up in the comments, the responses indicate that these issues were addressed in the recirculated draft MND. In addition, the comments do not raise any new information or provide substantial evidence that impacts would be significant such that an EIR would be required.

Sandra Genis

GEN-1: This comment summarizes the project. Comment acknowledged.

GEN-2: This comment provides a description of the area surrounding the project site. Comment acknowledged. The comment also states language from a 2008 letter from the NAHC to the Coastal Commission, which states that "it appears that the whole area may be a burial ground." The excerpt from the letter is in reference to the Brightwater project site, which is located west of the project site across Bolsa Chica

Street. The letter does not refer to the project site and as the project site has already been tested and excavated for cultural resources, the statement would not apply to the project site.

- GEN-3: This comment references CEQA and case law regarding the requirement for preparation of an EIR. This comment also asserts that adoption of a MND for the project is inappropriate and indicates that the project would result in the potential for significant adverse impacts. This comment summarizes the points made in the next several comments regarding potential impacts in several topical areas, which are responded to below. Comment acknowledged.
- GEN-4: This comment restates the topical areas in which the commenter believes there are potentially significant impacts.
- GEN-5: This comment describes the various biological resources in the vicinity of the project site including the eucalyptus ESHA east and south of the project site and delineated wetland areas southeast of the project site on the Parkside/Shea property.
- GEN-6: The comment provides information on ESHA buffers as it relates to the Parkside/Shea project and includes excerpts from the Coastal Commission staff report, which cites recommendations and analyses from the Coastal Commission staff ecologist as well as other biologists. Comment acknowledged.
- GEN-7: The distance of the proposed project to the ESHA to the east was analyzed in recirculated draft MND No. 08-016 based on a biological resources assessment prepared by a qualified biologist. See responses CCC-7 and CCC-10. In addition, reference regarding the topographical separation of the tops of trees to the proposed residences was deleted from the recirculated draft MND.
- GEN-8: The recirculated draft MND states that large storm flows will bypass the proposed retention and infiltration system and flow into an existing 24-inch concrete pipe in Bolsa Chica Street. The recirculated draft MND also states that prior to discharge, the stormwater flows will be treated. The recirculated draft MND also states that the project is required to submit a Water Quality Management Plan (WQMP) for post-construction compliance with water quality standards and water discharge requirements. The WQMP will be required to comply with the MS4 Permit governing storm water discharges to the public storm drain system within the North Orange County jurisdiction of the Regional Water Quality Control Board. It should be noted that CEQA does not require exhaustive technical details in environmental documents, but should provide sufficient information to enable decision makers to make a decision on the project. In this case, the pertinent information is that the discharge water will be treated prior to discharge in addition to information that the project is required to comply with applicable water quality and water discharge requirements. In addition, the technical information submitted for the project that was utilized in preparation of the environmental analysis in the recirculated draft MND is incorporated by referenced and identified on a source list in the document. See response MBIX-2.

- GEN-9: The project is required to comply with existing City requirements of the HBZSO that would prohibit the planting, naturalization and persistence of invasive plant species for projects adjacent to an ESHA. Recirculated draft MND No. 08-016 references HBZSO provisions for development adjacent to an ESHA on page 33 of the Biological Resources section. The project's compliance with these requirements would ensure that impacts related to the potential proliferation of invasive species adjacent to the ESHA would be less than significant.
- GEN-10: The project is required to comply with an existing City code requiring a Domestic Animal Control Plan for development adjacent to an ESHA. This code is specifically required to ensure that impacts from development adjacent to an ESHA would be minimized. Since this is an existing code requirement, no mitigation measure requiring preparation of a Domestic Animal Control Plan is recommended. In addition, the project is proposing perimeter fencing to deter domestic animals from entering the Shea/Parkside site and the ESHA.
- GEN-11: The comment states that potential impacts due to increased light, glare and noise would impact sensitive species. The analysis in recirculated draft MND concludes that impacts from light and glare and noise from the project would not result in significant impacts. The comment states that lighting directed downward would result in lighting directed toward the ESHA to the east of the project site. The project is proposing to utilize "Dark Sky" lighting, which has been accepted and approved as appropriate for other projects in the Bolsa Chica area, and would be required, pursuant to the HBZSO, to provide lighting such that impacts to the ESHA would be minimized. The comment also reiterates the points made in the comments that were responded to in GEN-7, GEN-8, GEN-9 and GEN-10.
- GEN-12: The Air Quality section of the recirculated draft MND has been updated to identify the project's localized emissions with a comparison to the localized emissions thresholds of the SCAQMD. The project would not result in an exceedence of the thresholds and therefore, impacts would be less than significant.
- GEN-13: While the properties surrounding the project area would experience a temporary increase in ambient noise during construction of the project, construction noise is not subject to the noise standards of the City's Noise Ordinance of the Municipal Code. This includes construction noise from haul trucks along the truck haul route. It should be noted that the project is required to obtain a haul route permit from the City's Public Works Department prior to the onset of construction. Because construction noise is exempt from the standards of the City's Noise Ordinance, the project's impacts from construction noise would be considered less than significant. In addition, because impacts would be considered less than significant, it is not necessary to quantify the extent of noise reduction from noise mufflers on construction equipment since the mufflers would be used to further minimize noise and not reduce the significance of the impact.
- GEN-14: The comment states that impacts to aesthetics due to loss of views to and from the site would be significant. The comment states that the most significant impacts would be loss of public views across the site to coastal resources below the site. While views

from the 30-foot wide parcel would be altered, public views from the existing 30-foot wide City-owned parcel would still be available from the eastern edge of the parcel. This is mentioned in the recirculated draft MND. Also, views of the site are analyzed in the recirculated draft MND on pages 41-43. Although, existing views of the site would be altered, the analysis concludes that impacts would be less than significant.

- GEN-15: See response MBIX-2. The geotechnical feasibility study states that the conditions of the project site would support the proposed project drainage concept. This is pointed out in the Geology and Soils section of the recirculated draft MND. Drainage for the project would not be directed toward the existing slope on the eastern edge of the site. In fact, the proposed drainage concept would ensure that impacts due to erosion of the slope from runoff would be less than significant. This is discussed in the Geology and Soils and Hydrology and Water Quality sections of the recirculated draft MND.
- GEN-16: See response VAN-3.
- GEN-17: Traffic impacts during construction of the proposed project would not be significant. The significance of project traffic impacts during construction is related to duration and delays. As the project is located at the terminus of Bolsa Chica Street and Los Patos Avenue, the potential to create delays to residences in the area is limited to the homes in the Brightwater and Sandover developments. Traffic delays to this area would be temporary during construction of the project with the potential for maximum delay time occurring during project grading, which is anticipated to last approximately 20 days. See response to JBIX-9 above. In addition, the project would be providing a minimum of 13 additional public parking spaces that are not currently provided.
- GEN-18: Unlike previous projects in the Bolsa Chica area, the entire project site has already undergone a research design program that included excavation of the entire site. Since the site has already been excavated, it is not anticipated that intact subsurface deposits would be uncovered during construction. In addition, the project would not result in the loss of additional cultural resources that would result in significant adverse effects since it is not anticipated that cultural resources exist on the project site due to the previous archeological work. As a precautionary measure, MM CR-1 recommends archeological monitoring during construction in the unlikely event that resources are discovered during construction. The mitigation measure requires that if intact deposits are discovered, all work shall stop, the resources would be investigated for significance, and a research design and recovery program be implemented. The mitigation measure also provides for in-situ preservation of the resources. A comparison of the archeological resources and issues at the Brightwater site to the proposed project site does not constitute a reason why an EIR would be required to evaluate impacts to cultural resources from the project. An EIR would only be required if there existed substantial evidence that impacts would be significant. The comment does present any new information that was not already considered in the analysis of environmental impacts. Because of the work that has already been conducted on the site, impacts are appropriately determined to be less than significant with mitigation.

GEN-19: The project's contribution in the context of cumulative projects would be considered less than significant with respect to impacts on air quality, noise, traffic and loss of open space. The project's impacts on loss of habitat would be considered less than significant with mitigation due to the potential for sensitive species to occur on the project site. Although it is unlikely that the species would occur on the project site due to the existing condition of the site, the species have the potential to occur in the area, and thus, the project site. Environmental review for the Goodell project and the proposed project is separate because they are two distinct and separate projects. The Goodell project does not include development and as such, physical impacts from development cannot be analyzed at this time.

GEN-20: Based on all of the information in the record, including the analysis in Recirculated draft MND No. 08-016, incorporating by reference all source documents, and the comments and responses to comments, the project would not result in significant adverse impacts. The comment states that impacts can and likely will occur. The recirculated draft MND acknowledges that the project may result in potential impacts. However, the significance of the impacts was determined to be less than significant or less than significant with mitigation. The comment states that the proposed MND should not be adopted. The comment will be forwarded to the Planning Commission for consideration.

RESPONSE TO COMMENTS – RECIRCULATED DRAFT MITIGATED NEGATIVE DECLARATION (MND) NO. 08-016

State Departments

Department of Transportation

DOT-1: This comment states that the DOT does not have comments at this time. Comment acknowledged.

Organizations/Individuals

Michelle O'Brien

OBRI-1: The comment states opposition to the proposed project and discusses the need to preserve the Bolsa Chica Wetlands. The comment states that the project will have a negative effect on the Bolsa Chica Wetlands, but does not state what those negative effects would be. The proposed project is located on the Bolsa Chica Mesa and would not result in the removal or loss of wetlands. The analysis in Recirculated draft MND No. 08-016 concludes that the proposed project would not result in significant impacts to the Bolsa Chica Wetlands.

David Hamilton

HAM-1: The comment mostly discusses the history of the Parkside project site, which is not the subject of the proposed project and environmental assessment. The comment also correctly states that the project site has a land use designation of Open Space – Parks in the City of Huntington Beach. Comment acknowledged.

HAM-2: The comment discusses previous approvals for a park on the Parkside project site and states that the 30-foot wide City-owned parcel north of the project site (referenced as part of the “Ridge” parcel in the comment) is no longer adjacent to the proposed park on the Parkside site. Although this comment does not raise any environmental issues, it will be forwarded to the Planning Commission for consideration. The comment also states the project site is no longer designated as Open Space – Parks but is now “a proposed 22-unit housing development.” Comment acknowledged. However, it should be noted that the current land use designation of the project site is Open Space – Parks and the project applicant is proposing to amend the land use designation to Residential Low Density in conjunction with the 22-unit development proposal.

HAM-3: The comment states that active park space is needed in “this area of HB” and states that the planning process for approval is “rather piecemeal.” As projects are proposed, environmental impacts are analyzed based on existing conditions and are not required to speculate with respect to potential for future projects. In addition, the analysis in Recirculated draft MND No. 08-016 discloses potential environmental impacts of the project as well as the significance of the potential impacts. In determining land use impacts, specifically the proposed change in land use designation from Open Space – Parks to Residential Low Density, surrounding land uses and previous projects were considered when relevant to the disclosure and analysis of potential impacts.

The purpose of an environmental assessment is not to provide justification for any aspect of a proposed project nor does it make recommendations for approval or denial of a project. The project is subject to review and approval by the City’s Planning Commission and City Council as well as the California Coastal Commission. As the comment does not raise any environmental issues, the comment is acknowledged and will be forwarded to the Planning Commission and City Council for consideration.

R. Rubel/S. Rubel

RUB-1: The comment is stating opposition to the proposed project and will be forwarded to the Planning Commission and City Council for consideration. Although it should be pointed out that the zoning of the property is currently Residential Agricultural and the General Plan Land Use Designation is Open Space – Parks. Comment acknowledged.

Huntington Beach Tomorrow

HBT-1: The comment states that “lower intensity zoning would result in less grading and fill than the proposed 6.4 units per acre...” While the comment does not raise any environmental issues, it should be noted that the project is proposing the lowest density zoning designation that exists in the City. In addition, the analysis in the recirculated draft MND concludes that the proposed grading on the project site would result in less than significant environmental impacts.

HBT-2: The project site is currently in the City of Huntington Beach corporate boundaries and does not require annexation.

HBT-3: The project is proposing two- and three-car garages in accordance with the number of garage spaces required per the Huntington Beach Zoning and Subdivision Ordinance. The project is also proposing a zoning text amendment to allow required three-car