



PARKSIDE ESTATES HUNTINGTON BEACH, CALIFORNIA

ADDENDUM EIR TO EIR #97-2

Prepared for:

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

Prepared by:

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2737 Campus Drive
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May 2009

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SCH #97091051

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TABLE OF CONTENTS

1.0	INTRODUCTION	1-1
1.1	PROJECT BACKGROUND	1-1
1.2	CEQA BASIS FOR THIS ADDENDUM	1-2
1.3	PURPOSE AND INTENDED USES OF THIS ADDENDUM	1-4
1.4	EVALUATION OF ENVIRONMENTAL IMPACTS AND ADDENDUM FINDINGS.....	1-5
1.4.1	Summary Impact Comparison	1-5
1.5	EXISTING DOCUMENTS TO BE INCORPORATED BY REFERENCE.....	1-10
1.6	CONTACT PERSONS	1-10
2.0	PROJECT DESCRIPTION	2-1
2.1	PROJECT LOCATION	2-1
2.2	PROJECT SITE HISTORY	2-1
2.2.1	Prior CEQA Documentation.....	2-3
2.3	CITY APPROVED PROJECT (2002).....	2-4
2.3.1	Previous Discretionary Actions by the City of Huntington Beach	2-4
2.4	CITY LCP AMENDMENT REQUEST/CCC APPROVAL OF LUP AMENDMENT WITH SUGGESTED MODIFICATIONS	2-8
2.4.1	City LCP Request	2-8
2.4.2	CCC-Suggested Modifications to the LUP Amendment	2-8
2.5	COMPARISON OF PROJECT (2002 VERSUS 2008)	2-11
2.6	PROJECT COMMITMENTS.....	2-14
3.0	COMPARATIVE EVALUATION OF ENVIRONMENTAL IMPACTS.....	3-1
3.1	LAND USE COMPATIBILITY	3-2
3.1.1	Existing Environmental Setting	3-2
3.1.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-3
3.1.3	Project Changes/Impact Analysis	3-3
3.1.4	Cumulative Impacts	3-5
3.1.5	Standard City Policies and Mitigation Measures.....	3-5
3.1.6	Conclusion	3-5
3.2	AESTHETICS/LIGHT AND GLARE	3-6
3.2.1	Existing Environmental Setting	3-6
3.2.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-6
3.2.3	Project Changes/Impact Analysis	3-7
3.2.4	Cumulative Impacts	3-9
3.2.5	Standard City Policies and Mitigation Measures.....	3-9
3.2.6	Conclusion	3-10
3.3	TRANSPORTATION/CIRCULATION.....	3-11
3.3.1	Existing Environmental Setting	3-11
3.3.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-11
3.3.3	Project Changes/Impact Analysis	3-12
3.3.4	Cumulative Impacts	3-13
3.3.5	Standard City Policies and Mitigation Measures.....	3-13
3.3.6	Conclusion	3-14

3.4	AIR QUALITY.....	3-15
3.4.1	Existing Environmental Setting	3-15
3.4.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-15
3.4.3	Project Changes/Impact Analysis	3-15
3.4.4	Cumulative Impacts	3-20
3.4.5	Standard City Policies and Mitigation Measures.....	3-20
3.4.6	Conclusion	3-21
3.5	NOISE	3-23
3.5.1	Existing Environmental Setting	3-23
3.5.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-23
3.5.3	Project Changes/Impact Analysis	3-24
3.5.4	Cumulative Impacts	3-24
3.5.5	Standard City Policies and Mitigation Measures.....	3-24
3.5.6	Conclusion	3-25
3.6	EARTH RESOURCES	3-26
3.6.1	Existing Environmental Setting	3-26
3.6.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-26
3.6.3	Project Changes/Impact Analysis	3-27
3.6.4	Cumulative Impacts	3-28
3.6.5	Standard City Policies and Mitigation Measures.....	3-28
3.6.6	Conclusion	3-29
3.7	DRAINAGE/HYDROLOGY	3-30
3.7.1	Existing Environmental Setting	3-30
3.7.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-30
3.7.3	Project Changes/Impact Analysis	3-31
3.7.4	Cumulative Impacts	3-33
3.7.5	Standard City Policies and Mitigation Measures.....	3-33
3.7.6	Conclusion	3-34
3.8	BIOLOGICAL RESOURCES	3-35
3.8.1	Existing Environmental Setting	3-35
3.8.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-36
3.8.3	Project Changes/Impact Analysis	3-36
3.8.4	Cumulative Impacts	3-39
3.8.5	Standard City Policies and Mitigation Measures.....	3-39
3.8.6	Conclusion	3-39
3.9	CULTURAL AND PALEONTOLOGICAL RESOURCES	3-41
3.9.1	Existing Environmental Setting	3-41
3.9.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-41
3.9.3	Project Changes/Impact Analysis	3-41
3.9.4	Cumulative Impacts	3-42
3.9.5	Standard City Policies and Mitigation Measures.....	3-42
3.9.6	Conclusion	3-43
3.10	PUBLIC SERVICES AND UTILITIES	3-44
3.10.1	Existing Environmental Setting	3-44
3.10.2	Certified 2002 Final EIR No. 97-2 Impacts.....	3-44

3.10.3	Project Changes/Impact Analysis	3-45
3.10.4	Cumulative Impacts	3-46
3.10.5	Standard City Policies and Mitigation Measures	3-46
3.10.6	Conclusion	3-49

APPENDICES

APPENDIX A – CCC-Adopted Findings and Certification Letter

APPENDIX B – Revised Mitigation Monitoring Program - 2008

APPENDIX C – Parkside Estates Sustainability Program

EXHIBITS AND TABLES

EXHIBITS

Exhibit 2-1: Project Location	2-2
Exhibit 2-2: City-Approved Land Use Plan (2002).....	2-5
Exhibit 2-3: Revised LUP with CCC-Suggested Modification (2008)	2-6
Exhibit 2-4: 2002 TTM	2-12
Exhibit 2-5: 2008 TTM	2-13

TABLES

Table 1-1: Land Use Comparison.....	1-2
Table 1-2: Comparison of Impacts between the Approved 2002 Project and Revised 2008 Project.....	1-6
Table 2-1: Summary of CCC-Suggested Modifications.....	2-10
Table 3-1: Summary of Trip Generation Rate Comparisons.....	3-12
Table 3-2: Project Emission Summary / Criteria Pollutants	3-16
Table 3-3: Project Emission Summary / GHG	3-19

1.0 INTRODUCTION

This document supersedes and is an Addendum to the previously certified 2002 Parkside Estates EIR No. 97-2. The Addendum EIR addresses the potential environmental impacts of the changes to the Project previously approved by the City and as certified by the California Coastal Commission (CCC) action and changes to the existing conditions that have occurred since certification of EIR No. 97.2. The previously certified 2002 Parkside Estates EIR No. 97-2 and Addendum EIR, together with the CCC's adopted revised findings approving City LUP Amendment No. 1-06 and the other environmental documents incorporated by reference herein, serve as the environmental review of the Parkside Estates Project as modified.

1.1 PROJECT BACKGROUND

The Shea Homes Parkside Estates Project (Parkside Estates Project) is proposed for an approximately 50-acre (ac) site in the City of Huntington Beach (City). The City prepared a Final Environmental Impact Report (EIR) for the Parkside Estates Project in 2002 (EIR No. 97-2). The City certified the EIR, adopted the Mitigation Monitoring and Reporting Program (MMRP), and approved the related Local Coastal Program (LCP) Amendment, General Plan Amendment (GPA), Zone Change, Tentative Tract Maps (TTMs), Conditional Use Permit (CUP), Coastal Development Permit (CDP) and annexation of a 5-acre parcel that was located in Orange County (County). The discretionary actions approved 170 dwelling units overall and amended General Plan designations and zoning to reflect the planned low-density residential development, proposed public park, and conservation areas. The CUP approved the Planned Unit Development (PUD), the exceedance of a 3-foot (ft) grade differential on the site, and approval of grading and stockpiling that exceeds 25,000 cubic yards (cy) of import. The City forwarded the LCP Amendment and Implementation Plan to the California Coastal Commission (CCC) for review and certification in 2002. The City later withdrew the Implementation Plan portion of the LCP Amendment request to allow the Land Use Plan (LUP) Amendment to be heard and approved first.

Between 2003 and 2008, the applicant was engaged in additional studies, meetings with City and CCC staff, and several CCC hearings. As a result of all these efforts, including the CCC's Suggested Modifications to the LUP Amendment, the following key changes to the Project plans have been made:

- The area designated for Open Space-Conservation (OS-C) increased from 3.7 ac to 23.1 ac (including a 0.6 ac passive park).
- The area designated for an active/passive park decreased from 8.4 ac to 1.6 ac (a 1.0 ac active park in RL and 0.6 ac in OS-C).
- The development footprint was reduced from 37.4 to 26.4 ac.
- A Natural Treatment System (NTS) was added for storm water treatment, with a supplemental mechanical storm water system Best Management Practices (BMP).
- The addition of approximately 6.2 ac of wetland creation/restoration and preservation, plus buffers.
- The expansion of the eucalyptus Environmentally Sensitive Habitat Area (ESHA) designation to include all of the southern and northern eucalyptus groves, plus a variable-width ESHA buffer, which includes restricted public access. Final EIR No. 97-2 included as eucalyptus ESHA only the portion of the southern eucalyptus trees that was included in the original CDFG ESHA recommendation.

The CCC, at its May 7, 2008, meeting in Marina del Rey, adopted revised findings reflecting the CCC’s action of November 14, 2007, in which it approved the City LUP Amendment No. 1-06 with modifications. LUP Amendment No. 1-06 is reflected in City Council Resolution No. 2002-123, which accepted the CCC modifications. These adopted findings are contained in Appendix A of this document and are referenced throughout Sections 2.0 and 3.0. The approved amendment, as modified, provides land use designations and LUP text for the Parkside Estates area of the LCP, as well as corollary changes to the area known as Parkside, an area that was deferred certification at the time the City’s LCP was certified. The City has since updated the Coastal Element of the General Plan to reflect the CCC’s action in June and November 2008. The LUP Amendment was effectively certified on August 7, 2008. The following table (Table 1-1) provides a land use summary and comparison of the 2002 City-approved Project analyzed in EIR No. 97-2 and the 2008 CCC-approved LUP Amendment modifications.

**Table 1-1
Land Use Comparison**

Land Use	2002 Project		Revised Project		Difference	
	Acres (net)	Units	Acres (net)	Units	Acres (net)	Units
Residential (RL)	37.4	170	26.4	111	-11	-59
Open Space – Park (OS-P)	8.4	n/a	n/a	n/a	-8.4	n/a
Open Space – Conservation (OS-C)	3.7	n/a	23.1	n/a	+19.4	n/a
Total	49.5	170	49.5	111	0	-59

Source: Hunsaker (2008).

1.2 CEQA BASIS FOR THIS ADDENDUM

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the City is the Lead Agency charged with the responsibility of deciding whether to approve the proposed Project changes consistent with the CCC modifications to the LCP. As part of its decision-making process, the City is required to review and consider potential environmental effects that could result from construction and operation of the revised Project. Certified EIR No. 97-2 found no effects of Project development to be significant unavoidable impacts.

Likewise, the CCC found that the LUP Amendment, as modified, would not result in significant adverse environmental impacts within the meaning of CEQA. The CCC environmental review of an LCP Amendment is treated as the functional equivalent of the EIR process, under Section 21080.5 of CEQA and Sections 15251(c) and 15265 of the State CEQA Guidelines.

Section 21080.9 of the California Public Resources Code, within CEQA, exempts local governments from the requirement of preparing an EIR in connection with its activities and approvals necessary for the preparation and adoption of an LCP. Instead, the CEQA responsibilities are assigned to the CCC. The CCC’s LCP review and approval program was found by the State Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the CCC is relieved of its responsibility to prepare an EIR for each LCP. Nevertheless, the CCC is required to approve an LCP submittal and to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LUP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures

available that would substantially lessen any significant adverse impact the activity may have on the environment¹.

The CCC found that the LUP Amendment, as modified, is consistent with the public access and recreation, wetland, ESHA, marine resource, and land resource policies of the Coastal Act. Thus, the CCC found that the proposed LUP Amendment, as modified, meets the requirements of and conforms with the Chapter 3 policies of the Coastal Act. In addition, the CCC found that approval of the LUP Amendment, as modified, will not result in significant adverse environmental impacts under the meaning of CEQA (CCC Adopted Findings, pp. 4, 62–63).

Thus, two CEQA reviews have been completed for the Project: the Certified EIR and the CEQA equivalent review that the Coastal Commission completed in connection with its approval of the LUP Amendment.

The City has prepared this CEQA addendum to include information in their files and public record that could be easily referenced and to document the changes to the City's originally approved Project. Current City review of the modifications to the Project, including the revised TTMs, CUP, and other related Project components, is limited by provisions set forth in CEQA and the State CEQA Guidelines. Thus, this Addendum documents whether there are changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR since certified EIR No. 97-2 and CEQA review as part of approved LUP Amendment No. 1-06 have already been completed. It is the City's intent to prepare this Addendum with analysis that demonstrates if the City-certified CEQA documents including mitigation measures and the CEQA equivalent review completed by the Coastal Commission are still adequate for the Project changes and any new City polices and requirements that have come about since the original approval.

According to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, a subsequent EIR is not required for the changes to the proposed Project unless the City determines on the basis of substantial evidence that one or more of the following conditions are met:

1. Substantial changes are proposed in the Project that require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
2. Substantial changes have occurred with respect to circumstances under which the Project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:
 - The Project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or

¹ 14 California Code of Regulations (CCR) Sections 13542(a), 13540(f), and 13555(b).

- Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

According to the State CEQA Guidelines, Section 15163, if any of the conditions noted above are present but only minor additions or changes would be necessary to make the previous EIR adequate to apply to the Project in the changed situation, a supplemental EIR may be prepared.

Section 15164 of State CEQA Guidelines states that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Thus, if none of the above conditions are met, the City may not require preparation of a subsequent or supplemental EIR. Rather, the City can decide that no further environmental documentation is necessary or can require that an Addendum be prepared. In this regard, the City finds that an Addendum to the previously certified Final EIR is appropriate. The rationale and the facts for this finding are provided in the body of this Addendum.

An addendum in this instance could limit its review to a determination of whether there are changes in circumstances or new information of substantial importance since Certified EIR No. 97-2 and Certified LUP Amendment No. 1-06 that warrant preparation of a subsequent or supplemental EIR. This Addendum, however, adopts a more conservative approach, and compares the environmental effects of the development of the revised Project with those of the original Project previously disclosed in EIR No. 97-2. It also reviews new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time EIR No. 97-2 was certified and evaluates whether there are new or more severe significant environmental effects associated with changes in circumstances under which Project development is being undertaken. It further examines whether, as a result of any changes or any new information, a subsequent or supplemental EIR may be required. This examination includes an analysis of provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines and their applicability to the Project. The focus of the examination is on whether the previous EIR No. 97-2, in conjunction with the CCC action on LUP Amendment No. 1-06, continues to satisfy CEQA requirements.

1.3 PURPOSE AND INTENDED USES OF THIS ADDENDUM

An EIR is an informational document used in the planning and decision-making process. The purpose of an EIR is not to recommend either approval or denial of a project; but rather to disclose objective information regarding potentially significant environmental impacts, so that informed decisions can be made. The intent of this Addendum is to provide to decision-makers additional information regarding the Project’s environmental impacts due to Project modifications subsequent to the certification of the EIR No. 97.2. The document completes the environmental analysis consistent with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and State CEQA Guidelines.

The Project reviewed in this Addendum includes changes to the Project previously approved by the City and as certified by CCC action, and includes the following requested entitlements and approvals needed to adopt the CCC modifications:

- Approval of this Addendum to certified EIR No. 97-2 to address the potential environmental effects of changes made to the Project since the original City approval and EIR certification in 2002 and CCC approval of the LUP in 2008.
- Approval of revised TTMs 15377 and 15419.

- Approval of a revised CUP and CDP (approval in concept).
- Approval of the amendment to the General Plan and Zoning Ordinance.

1.4 EVALUATION OF ENVIRONMENTAL IMPACTS AND ADDENDUM FINDINGS

This Addendum compares the anticipated environmental effects of the revised Project as modified by CCC action with those disclosed in EIR No. 97-2 and LUP Amendment No. 1-06 to review whether any conditions set forth in Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR are met. Potential environmental effects of the Project are addressed for each of the following areas:

- Land Use Compatibility
- Aesthetics/Light and Glare
- Transportation/Circulation
- Air Quality
- Noise
- Earth Resources
- Drainage/Hydrology
- Biological Resources
- Cultural and Paleontological Resources
- Public Services and Utilities

Section 3.0 of this document contains analyses and explanations of potential environmental impacts of the changes to the Project as a result of CCC-suggested modifications to the LCP Amendment. The analyses provide the City a basis for its determination that no subsequent or supplemental EIR will be required for the Project.

1.4.1 Summary Impact Comparison

The following table (Table 1-2) provides a comparison of the environmental impacts of the current Project modifications, the subject of the current Addendum, with the Project impacts analyzed in Certified EIR No. 97-2.

As analyzed in Section 3.0 of this document, the changes being proposed for this Project would not result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects. Consequently, major revisions to the Certified EIR are not required and none of the other conditions listed in Section 15162(a) that would require the preparation of a subsequent EIR have occurred. Therefore, the appropriate level of analysis for the proposed Project revision is an Addendum to the Final EIR, as required by Section 15164(a). This conclusion is based on the analysis provided in this document and is supported by updated technical studies (see Section 1.5) and other information included in the administrative record. Substantial evidence in the record supports the conclusion that the revised Project does not create any new or increased significant impacts as compared to the original Project. Thus, no supplemental environmental review is required.

**Table 1-2
Comparison of Impacts between the Approved 2002 Project and Revised 2008 Project**

Issues Analyzed	Approved 2002 Project	Revised 2008 Project
Land Use Compatibility	<ul style="list-style-type: none"> • No impacts identified related to on-site residential land use relationships and between the proposed park and proposed residential uses. • No impacts identified to land use relationships between the proposed residential and park and the adjacent land uses and off-site residential uses. • Potential significant impact related to provision of affordable housing and cumulative impact related to inconsistencies with the City Affordable Housing Policy. Mitigation Measure 1 was provided. 	<ul style="list-style-type: none"> • Revised Project reduced unit count (59 less units) and greater open space (20 acres) result in minimal changes to the 2002 Project conclusions regarding on-site and off-site land use relationships between the proposed park/open space and proposed residential uses. • No changes to the conclusion regarding Project consistency with the City’s General Plan and Bolsa Chica LCP. • Affordable housing has been satisfied through acquisition of off-site units and Mitigation Measure 1 has therefore been met.
Aesthetics/Light and Glare	<ul style="list-style-type: none"> • No identified impacts to visual resources on the site. • Potential impact related to reduction of viewable open space area. Mitigation Measures 1 and 2 were provided. • No removal of eucalyptus trees and tree replacement. Mitigation Measure 3 no longer applicable. • No identified impacts to existing or proposed City scenic routes. • Potential impact related to County-proposed trails. Mitigation Measure 4 was provided. • Potential on-site and off-site impact related to increased light and glare generated on-site from development and associated vehicles. Mitigation Measures 1 through 3 were provided. 	<ul style="list-style-type: none"> • Positive effect on the visual resources with habitat creation and new public access. • Reduced impact with regard to changes to viewable open space compared with the Project as evaluated in the 2002. Mitigation Measure 1 and 2 remain applicable. • Public vista location is included in the revised Project. • Project street system available to the public and no change to the trail system. Mitigation Measure 4 remains applicable. • Reduced impact related to increased light and glare generated on-site from development and associated vehicles. Mitigation Measures 1 through 3 remain applicable.

Issues Analyzed	Approved 2002 Project	Revised 2008 Project
Transportation/Circulation	<ul style="list-style-type: none"> • Potential impact related to short-term construction due to addition of truck and construction traffic vehicles. Mitigation Measure 1 was provided. • No significant impact related to vehicular traffic increases (2,040 ADT) at the modeled intersections and roadway segments under the existing plus Project conditions. • Potential impact to pedestrian, bicycle, and vehicular safety related to establishment of access and an on-site circulation system. Mitigation Measures 2 through 4 were provided. • Potential cumulative impacts related to LOS deficiencies at the intersections of Bolsa Chica Street/Warner Avenue and Graham Street/Warner Avenue under the 2020 condition. Mitigation Measure 5 was provided. 	<ul style="list-style-type: none"> • Reduction in short-term construction trips due to reduced grading and construction. Mitigation Measure 1 for construction remains applicable. • Reduced overall traffic impacts due to reduction in number of units and corresponding ADT of 1,332. Mitigation Measures remain applicable. • CCC-suggested Modification No. 5 is consistent with, and builds upon, Mitigation Measures 2 through 4 regarding pedestrian and bicycle safety along the Project perimeter. • No new cumulative impacts or increase in an impact previously identified. Mitigation Measure 5 remains applicable.
Air Quality	<ul style="list-style-type: none"> • Potential short-term impact related to exceeding SCAQMD's daily threshold emissions levels for NO_x during construction activities. Mitigation measures 1 through 6 were provided. • No SCAQMD daily thresholds would be exceeded by the Project's long-term emissions; however, Mitigation Measures 7 and 8 were provided to reduce Project's incremental impact. • Potential long-term cumulative impacts related to incremental contribution to emissions to the Basin, designated as non-attainment. Mitigation Measures 7 and 8 were provided. 	<ul style="list-style-type: none"> • Fewer haul trips due to reduced number of units and less imported soil. Mitigation Measures 1 through 6 for short-term construction emission impacts remain applicable. • Reduction in vehicular emissions due to reduction in number of units. Mitigation Measures 7 and 8 remain applicable. • Revised Project results in approximately 1,200 fewer tons of GHG emissions and incorporates a sustainability program. • GHG emissions from the Project are not "new" emissions compared to 2002 Project. GHG emissions are from sources previously disclosed in 2002 Project.
Noise	<ul style="list-style-type: none"> • Potential impacts related to short-term construction noise increase. Mitigation Measures 1 and 2 were provided. 	<ul style="list-style-type: none"> • Reduction in construction equipment noise due to reduced unit count and quantity of import soil. Mitigation Measures 1 and 2 for construction

Issues Analyzed	Approved 2002 Project	Revised 2008 Project
<i>Noise (Cont'd.)</i>	<ul style="list-style-type: none"> • Potential impact to on- and off-site homes from future active park uses. Mitigation Measure 3 was provided. • No significant impact related to increase in traffic noise levels along Graham Street. • No significant cumulative impacts related to incremental increase in traffic noise levels in 2020. 	<ul style="list-style-type: none"> • remain applicable. • No on-site and off-site impact due to reduced active park size and uses. Mitigation Measure 3 is not necessary with the revised Project. • Reduction in Project's contribution to vehicular noise due to reduction in number of units and associated traffic.
Earth Resources	<ul style="list-style-type: none"> • Potential impacts related to settlements of peat deposits within the upper five feet which could continue over the design life of the structures. • Potential impacts related to on-site, mildly to severely corrosive soils from soils with poor pavement support characteristics, soils with low shear strength, and impacts from soils shrinkage. Mitigation Measures 1 and 2 were provided. • Potential impact related to ground shaking, liquefaction, and seismic settlement. Mitigation Measures 1 through 3 were provided. • Potential impact related to local subsidence of adjacent properties along the Project's northern property boundary and potential groundwater impacts due to dewatering. Mitigation Measure 4 was provided. • Potential impacts related to residual hazardous materials in the soil from prior farming operations. Mitigation Measures 5 and 6 were provided. 	<ul style="list-style-type: none"> • Reduction in units would result in fewer residences exposed to potential seismic, soils, and ground shaking related risks. The Final EIR Mitigation Measures 1 through 3 for the potential geologic risks remain applicable. • Reduction in units would reduce the amount of dewatering required, lowering the potential for local subsidence impacts. Mitigation Measure 4 remains applicable to the revised Project. • Reduction in units would result in fewer residences exposed to potentially significant levels of residual hazardous materials in the soil from prior farming operations. Mitigation Measures 5 and 6 remain applicable.
Drainage/Hydrology	<ul style="list-style-type: none"> • Potential impacts related to drainage pattern and flooding. Mitigation Measure 1 was provided. • Potential impacts related to water quality. Mitigation Measures 2 and 3 were provided. • Potential cumulative impacts related to drainage, flooding, and water quality. Mitigation Measures 1 through 3 were provided. 	<ul style="list-style-type: none"> • Reduction in number of units would result in less runoff and fewer residences exposed to potential flood related risks. Mitigation Measure 1 to address the potential flood risks remains applicable. • Revised Project incorporates an NTS that uses vegetated constructed wetland and open water to

Issues Analyzed	Approved 2002 Project	Revised 2008 Project
<i>Drainage/Hydrology (Cont'd.)</i>		treat storm water and weather runoff. The water treatment system would result in a net improvement in storm water quality discharged to the ocean. Mitigation Measures 2 and 3 remain applicable.
Biological Resources	<ul style="list-style-type: none"> • No identified impact related to the County parcel wetland habitat. • Potential project-specific and cumulative impacts related to native raptor birds during the nesting season. Mitigation Measure 1 was provided. 	<ul style="list-style-type: none"> • Revised Project increases the on-site area dedicated OS-C by 19.4 acres, increases the habitat value of the site, and improves storm water quality. Mitigation Measure 1 related to raptors remains applicable.
Cultural and Paleontological Resources	<ul style="list-style-type: none"> • Potential impact related to archaeological sites CA-ORA-1308 and 1309. Mitigation Measures 1 through 3 were provided. • No identified impact to historic resources. • No identified impact to paleontological resources. 	<ul style="list-style-type: none"> • Revised Project grading and construction would be reduced but would still involve ground disturbance. Mitigation Measures 1 through 3 remain applicable.
Public Services and Utilities	<ul style="list-style-type: none"> • Potential project-specific and incremental cumulative impacts related to public services and utilities, including fire, police, schools, community services, water, sewage, natural gas, electrical services and facilities. Mitigation Measures 1 through 18 were provided. 	<ul style="list-style-type: none"> • Overall reduction in service and utility demand due to 59 less units. Increase in number of elementary and middle school students due to Ocean View School District's modified student generation factor. Decrease in number of high school students. Mitigation Measures 1 through 18 remain applicable. • NTS would result in net improvement in storm water quality discharged to the ocean.

1.5 EXISTING DOCUMENTS TO BE INCORPORATED BY REFERENCE

Section 15150 of State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. Documents listed below are hereby incorporated by reference and pertinent material is summarized throughout this Addendum where it is relevant to analyses of Project impacts. Documents incorporated by reference are available for review at the City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648, Attention: Mr. Scott Hess – Director of Planning.

- Final EIR No. 97-2 (2002)
- Adopted CCC Findings for Major Amendment Request No. 1-06 to the City of Huntington Beach Certified LCP LUP (2008). Refer to Appendix B.
- Revised (2008) Shea Homes project application for the Parkside Estates Project, including:
 - Revised TTM application
 - Entitlement Plan Amendment application
 - Revised Tentative Tract 15377
 - Revised Tentative Tract 15419
 - Preliminary Title Report for TTM 15377
 - Preliminary Title Report for TTM 15419
 - Water quality evaluation for TTMs 15377 and 15419
 - Rough grading plans for TTM 15377
 - Updated geotechnical reports
 - Recent photographs, printed index sheet of numbered photographs, and a photo key map depicting locations of photographs
 - Written narrative describing existing and proposed use of property
 - Revised site plans for revised Tentative Tract 15377
 - Revised conceptual architectural floor plans and elevations
 - Revised conceptual landscape architectural plans
 - Revised phasing plan for Tentative Tract 15377
 - Revised parking plan for Tentative Tract 15377
 - Zoning conformance matrix relative to revised Tentative Tracts 15377 and 15419
 - Revised Wall and Fence Plan for TTM 15377

Please see Appendix C of this Addendum for the Parkside Estates Sustainability Program (Sustainability Program) that was submitted as part of the revised application.

1.6 CONTACT PERSONS

The Lead Agency for the Addendum for the Parkside Estates Project is the City of Huntington Beach. Questions about preparation of this Addendum, its assumptions, or its conclusions should be referred to:

City of Huntington Beach
Mr. Scott Hess – Director of Planning
2000 Main Street
Huntington Beach, CA 92648
(714) 536-5271

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The Project site is approximately 50 ac located on the west side of Graham Street between Warner Avenue and Slater Avenue in the City of Huntington Beach. The northern border of the site is bounded by existing medium-high density condominiums on Bolsa Chica Street and low-density residential development located along Greenleaf Lane and Kenilworth Drive. Graham Street bounds the eastern border, with low-density residential land uses located east of Graham Street. The southern border is bounded by the East Garden Grove-Wintersburg Flood Control Channel (which carries storm drain runoff to the Pacific Ocean), with low-density residential abutting the south side of the channel. The location of the Project in relation to the regional and local setting is displayed in Figure 2-1.

2.2 PROJECT SITE HISTORY

The Project site is currently vacant and is being farmed for vegetables. The property has been subject to farming activities for over 50 years, including regular clearing, discing, and cultivation activities. A portion of the property was also used as a temporary equestrian facility, which has been abandoned and removed. A grove of eucalyptus trees has long existed on site near the northwest corner of the Project site. The Project site has been subject to planning and entitlement actions for several decades, and the site has been zoned for residential use since 1971. At the time EIR No. 97-2 was drafted, the Project site was divided between the City and unincorporated Orange County. The approximately 5 ac County parcel has since been annexed, and the entire Project site is currently within the City limits.

Between 1952 and 1959, agricultural cultivation covered the majority of the Project site. By 1970, the East Garden Grove-Wintersburg Flood Control Channel, located south of the Project site, was constructed, and agricultural uses on the site continued. In 1974, the Metropolitan Water District of Southern California (MWD) purchased the site from Signal Landmark. In February 1975, stables were identified on the site. From June 1975 to December 1989, the Project site was leased to Roy C. Purshe for cultivation of crops. From 1980 to 1989, MWD leased portions of the site to Smoky's Stables. Historical site photos identify exercise and show rings, stables, and trailers on site.

In 1986, the City took action to change the land use designation on most of the Project site (known as the MWD property) from Residential to Conservation in the Coastal Element LUP. At that time, the City was actively negotiating with the County over the ultimate land use for Bolsa Chica. The City decision in 1986 to designate the MWD property as Conservation was partly in response to a proposal by the County and Signal Landmark to intensively develop Bolsa Chica. The MWD was designated "Conservation" in response to the County's intense land use plan for Bolsa Chica. In 1988, a Bolsa Chica Coalition was successful in negotiating a much less intensive Bolsa Chica LUP. Consequently, the Bolsa Chica Coalition plan proposed residential development on the MWD property.

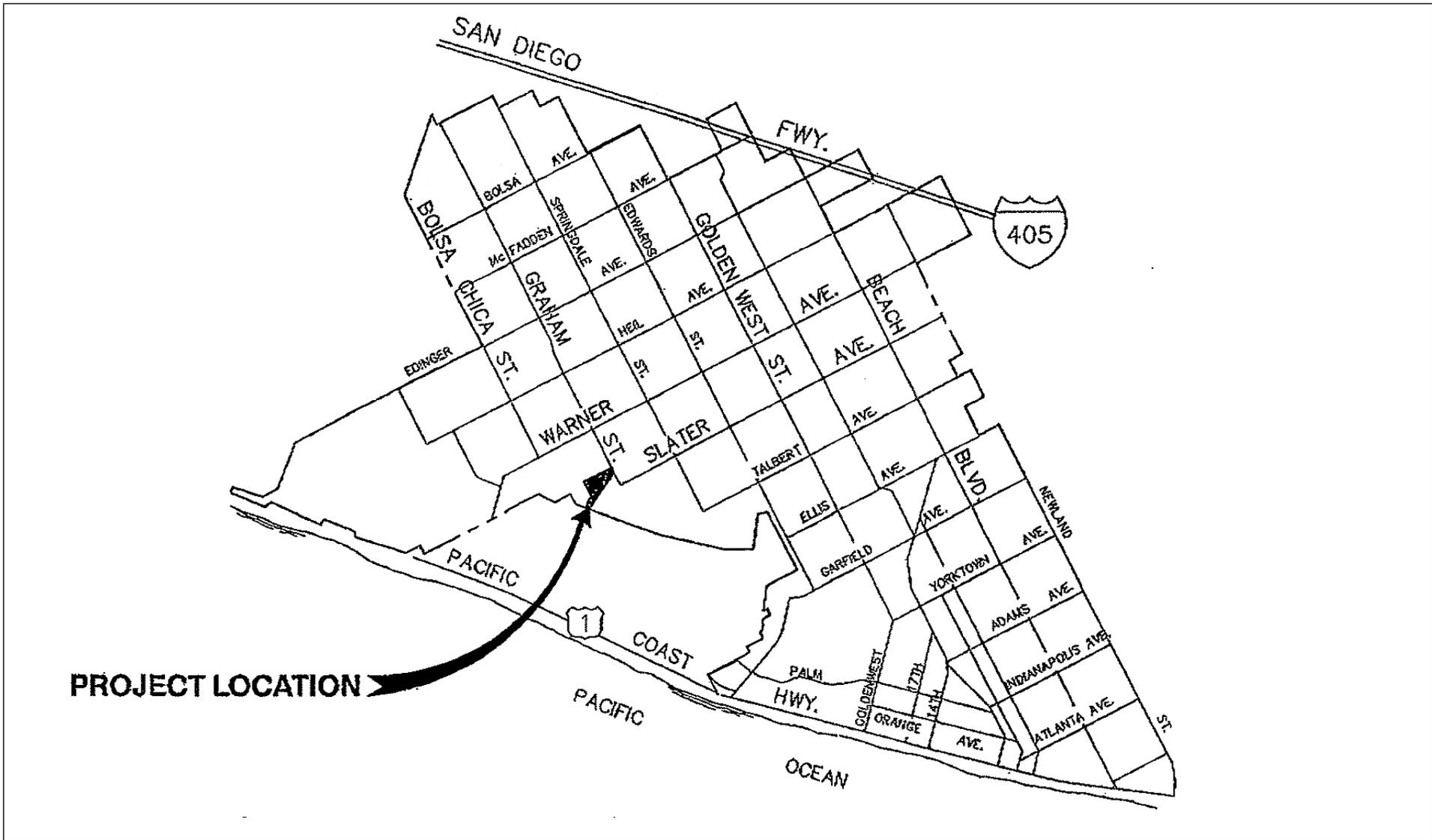


EXHIBIT 2-1



NO SCALE
 SOURCE: Hunsaker & Associates, Inc.

Project Location

In December 1981, the site was designated as “Severely Degraded Historic Wetland – Not Presently Functioning as Wetland.” In February 1989, approximately 8.3 ac of the City parcel (along the north boundary below the eucalyptus trees found on site) and 0.4 ac of the County parcel were identified as jurisdictional wetlands by the United States Environmental Protection Agency (EPA). In October 1991, a report by D.R. Sanders and Associates, Inc. concluded that the 8.3 ac area determined to be jurisdictional wetlands by the EPA is instead non-jurisdictional “prior converted croplands.” In May 1992, a letter from the United States Army Corps of Engineers (Corps) also reclassified the 8.3 ac area from “jurisdictional wetlands” by the EPA as “prior converted croplands;” therefore, it was not subject to Corps Section 404 permit requirements.

In 1992, the CCC approved CDP 5-82-278 for another stable operation to be located on a portion of the site, including a parking area and caretaker residence. In September 1993, a portion of the site located in the City was subsequently leased for 1 year to Norman L. Abbott for agricultural purposes. On June 15, 1994, the CCC issued an Exemption Letter for “Hole-in-the-Wall” stable facilities, including 22 horse stalls on a 16,000-square-foot (sf) site.

In January 1996, a letter was sent to MWD from the United States Fish and Wildlife Service (USFWS). This letter affirmed that none of the land making up the Project site lies within a prospective federal wetland restoration Project area (known as the Bolsa Chica Wetlands Restoration Project). In March 1996, the County portion of the site was analyzed as part of the overall Bolsa Chica Project EIR (Orange County Project No. 551). The Existing Habitats Map contained within this EIR described the City portion of the site as “Agricultural,” “Ruderal,” “Exotic Trees,” or “Nonnative Grassland.” The County portion of the site was described as “Nonnative Grassland” or “Pickleweed.”

In September 1996, Shea Homes purchased the site. In January 1997, the CCC certified the Bolsa Chica Project LCP, in which the LCP designated the County portion of the site for residential development.

2.2.1 Prior CEQA Documentation

The 50 ac site also has been evaluated in previous environmental planning documents, including:

- **Draft Environmental Impact Statement (EIS)/EIR for the Proposed Bolsa Chica Project, August 1992** – The Project site was previously analyzed in 1992 as part of the larger 1,712 ac site proposed for development. The proposed land uses were residential. Preparation of the EIS/EIR was not completed, and therefore the report was never approved by the Lead Agencies.
- **Revised Draft EIR No. 551 for the Bolsa Chica Project LCP, December 14, 1994** – The Project site was previously analyzed as part of this EIR, which was certified by the County of Orange on December 14, 1994. The Board of Supervisors certification of Final EIR No. 551 was challenged by the filing of a petition for writ of mandate in *Bolsa Chica Land Trust et al. v. County of Orange*, Superior Court No. 741344. On February 16, 1996, the Orange County Superior Court rendered its decision in the lawsuit. The court rejected all challenges to the review of particular environmental impacts but also ruled that the reinstatement of the tidal inlet within the Project after the close of the public comment period on the 1994 Revised Draft EIR rendered the Project description unstable and required recirculation of the EIR.
- **Recirculated Draft EIR No. 551, March 1996** – The County portion of the site was included as part of the Recirculated Draft EIR for the Bolsa Chica Project, which contained a revised Project

description and the environmental analysis for the tidal inlet in accordance with the Orange County Superior Court's order of February 1996.

- **General Plan Update EIR, May 1996** – The 44.66 ac portion of the Project site located in the City of Huntington Beach was evaluated within the General Plan Update EIR, which was certified on May 13, 1996. The General Plan, adopted on May 13, 1996, is composed of 16 separate elements: land use, urban design, housing, historic and cultural resources, economic development, growth management, circulation, public facilities and public services, recreation and community services, utilities, environmental resources/conservation, air quality, coastal, environmental hazards, noise, and hazardous materials. The Land Use Plan Map adopted with the General Plan designates the City portion of the Project site as RL-7 (Residential – Low-Density – maximum 7 units per acre) and OS-P (Open Space – Park).
- **EIR No. 97-2** - In September 1997, the City prepared an Initial Study for the proposed Shea Homes Project and determined that an EIR was necessary to analyze the potentially significant environmental effects associated with build out of the proposed Project. Draft EIR No. 97-2 was circulated for public review in 1998, and a document titled “Parkside Estates New Alternatives to the Draft Environmental Impact Report #97-2” was circulated in 2001. The Final EIR No. 97-2 was certified in October 2002.

2.3 CITY APPROVED PROJECT (2002)

The proposed Project, as originally analyzed in the Draft EIR, was eventually rejected, and Alternative 7, Reduced Density Alternative (9-lot County) was approved by the City (see Exhibit 2-2, City-Approved Land Use Plan [2002]). The EIR evaluated Alternative 7 as a 171-unit Project, but the City approved Alternative 7 with 170 residential units. This Addendum considers the effects of the changes to the Project plans between approval of Alternative 7 (in 2002) and the CCC's suggested modifications to the LCP Amendment (see Exhibit 2-3, Revised LUP with CCC-Suggested Modifications [2008]). Alternative 7 resulted in reduced impacts compared with the original Project because it completely avoided impacts to the eucalyptus trees and to EPA-delineated “pocket” wetlands on the former County portion of the site. As a result of these changes to the original plan, Alternative 7 provided a buffer from the closest residential use to the southern grove of eucalyptus trees at the westerly edge of the Project site, as recommended by the California Department of Fish and Game (CDFG). Based on City staff recommendations, one lot within the County parcel was deleted (during the City's approval process) to achieve a minimum 100 ft buffer between the proposed homes and the potential wetlands on the former County portion of the site, and the total number of units approved by the City was reduced to 170.

2.3.1 Previous Discretionary Actions by the City of Huntington Beach

This section describes discretionary actions that were approved by the City in 2002 for the subject property.

1. **Certification of EIR No. 97-2.** Acceptance of an environmental document as having been prepared in compliance with CEQA, the State CEQA Guidelines, City policies, and certification that the data were considered in final decisions on the Project.
2. **Annexation 98-1.** An annexation of the approximately 5 ac County parcel to the City through the Local Agency Formation Commission (LAFCO). A concurrent annexation to the Orange County Sanitation District (OCS D) also occurred.

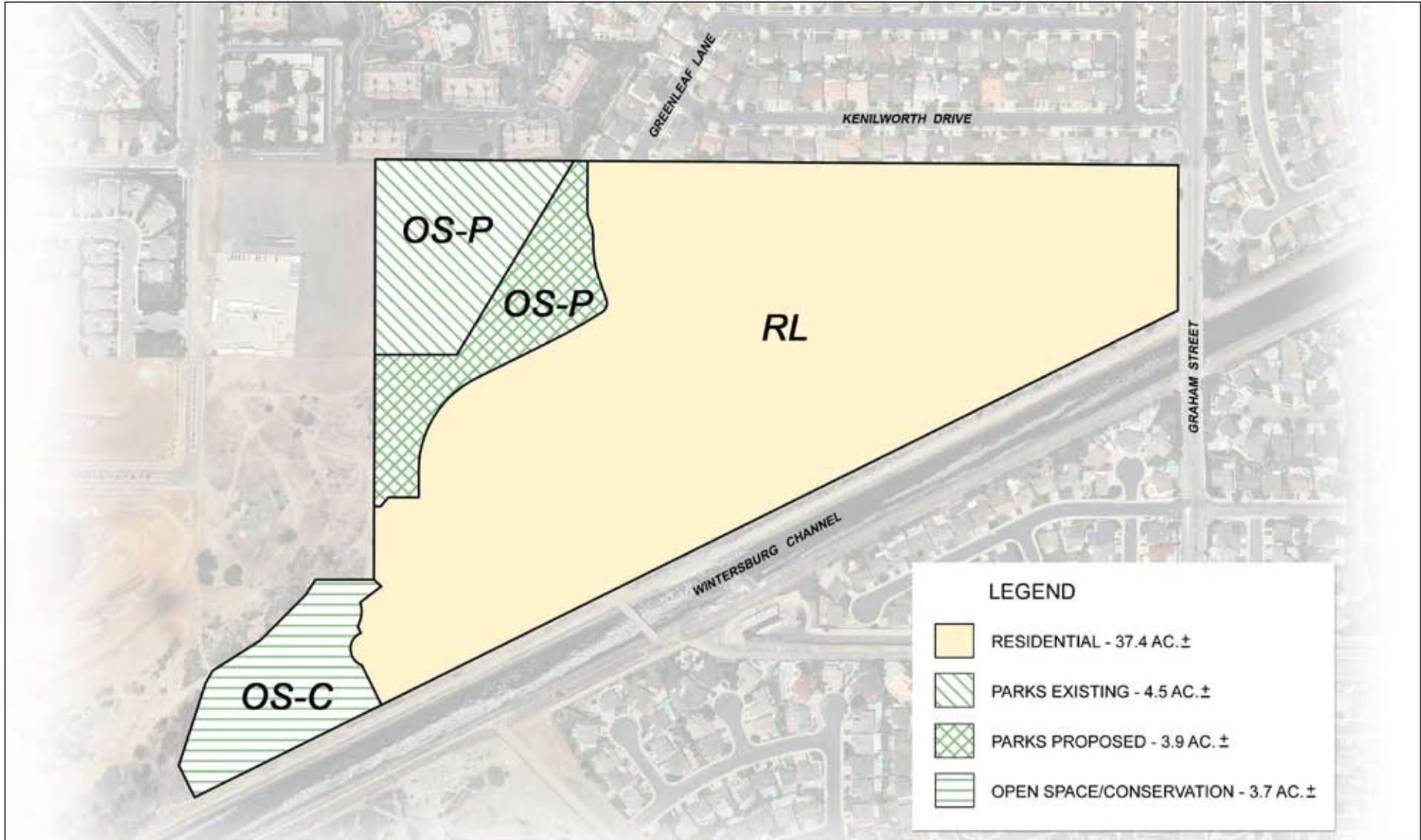


EXHIBIT 2-2



NO SCALE
 SOURCE: Hunsaker & Associates, Inc.

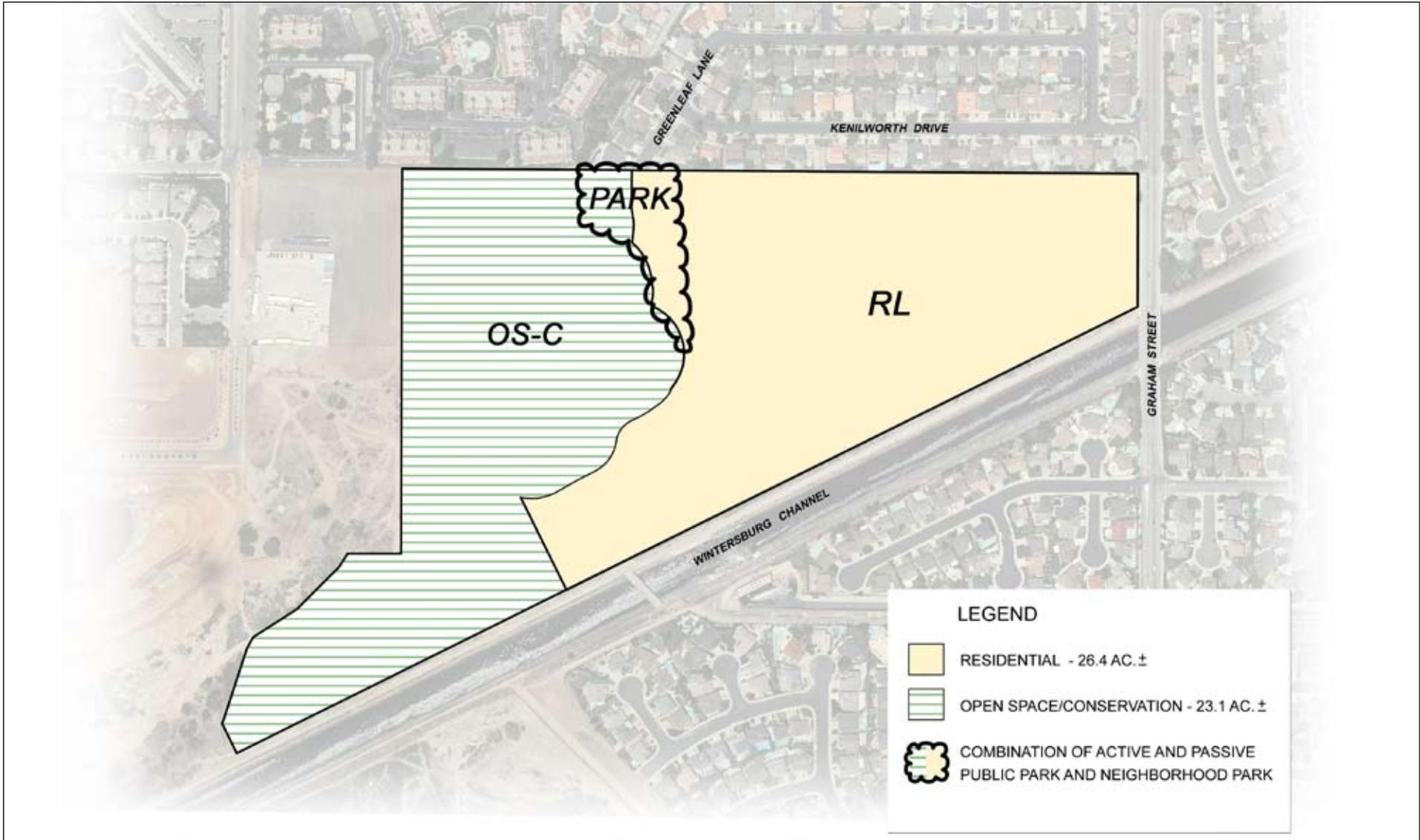


EXHIBIT 2-3



NO SCALE
 SOURCE: Hunsaker & Associates, Inc.

Revised Land Use Plan with CCC Suggested Modifications (2008)

3. **General Plan Amendment No. 98-1.** The City approved an Amendment to the City's General Plan Land Use Map to accommodate a park site as part of the Project. The City approved modification to the Land Use Map so that a portion of the site designated RL-7 would be changed to OS-PR (Open Space – Parks and Recreation) and OS-C (Open Space – Conservation). The City also removed the fire station designation and descriptions of a fire station on the site found within the General Plan. Since no lowland development was approved as part of the Bolsa Chica Project, the City determined that a fire station at this location was unnecessary. Therefore, the City removed this designation from Figure PF-1, Public Facility Locations of the Land Use Element.
4. **Zoning Map Amendment No. 96-5.** The City approved a zoning map amendment from Residential Agriculture – Coastal Zone (RA-CZ) to Open Space – Parks and Recreation – Coastal Zone (OS-PR-CZ), which would bring the zoning into consistency with the General Plan and amend a portion of the Residential Low-Density – Floodplain District – Coastal Zone (RL-FP2-CZ) zone to OS-PR-CZ to reflect the park boundary. The purposes of the zone amendments were to: (1) correct an earlier omission on the zoning map; and (2) bring the zoning (on the park component of the Project) into consistency with the General Plan designation. Additionally, the City approved a zoning map amendment to pre-zone the approximately 5 ac County of Orange parcel as RL-FP2-CZ.
5. **TTM 15377 (City) and TTM 15419 (County).** The City approved TTM 15377 and TTM 15419 to subdivide the site into lots for development.
6. **CUP No. 96-90.** The City approved the CUP to allow for proposed development, which included the following:
 - a. Development of 170 detached single-family units.
 - b. Dual-product lot sizes to include 50 ft wide lots with a minimum lot size of 5,000 sf (with an average lot size of over 5,700 sf), and 60 ft wide lots with a minimum lot size of 6,000 sf (with an average lot size of over 7,000 sf).
 - c. Dedication and improvement of a ±8.2 ac neighborhood public park.
 - d. Improvement of two model home and sales complexes.
 - e. Infrastructure improvements, including:
 - Widening and improvements to the north levee of the East Garden Grove-Wintersburg Flood Control Channel;
 - A new, enlarged storm drain;
 - Improvements to the Slater pump station;
 - Construction of a vegetated flood protection feature (VFPP) (formerly referred to as a sea wall);
 - Improvements to the sewer lift station and force main; and
7. **CDP No. 96-18.** The City approved a CDP (subject to CCC action) to permit subdivision and development of the property per CUP No. 96-90 and TTMs 15377 and 15419.
8. **LCP Amendment No. 96-4.** The City approved the LCP Amendment in order to have the residential zoning designation reflected in the City's LCP, resulting in the establishment of the Coastal Zone (CZ) District on the entire Project site. The City approved the following designations for the Project site: RL (Residential – Low Density), OS-PR, and OS-C.

The above-listed actions by the City occurred at the time the EIR was certified in 2002. The City subsequently applied to the CCC for certification of an LCP Amendment to amend the LUP and Implementation Program (IP), which are the two components of the LCP. The IP Amendment request was subsequently withdrawn to allow the LUP Amendment to be heard and approved first. A summary of CCC actions pertaining to the Project are provided in the following sections of this Addendum.

2.4 CITY LCP AMENDMENT REQUEST/CCC APPROVAL OF LUP AMENDMENT WITH SUGGESTED MODIFICATIONS

2.4.1 City LCP Request

LCP Amendment No. 1-06 was a request by the City of Huntington Beach for the CCC to amend the LUP portion of the LCP. The LUP Amendment was a project-specific amendment designed to make possible a low-density residential development on a vacant, approximately 50 ac site comprising three legal lots, most of which is currently in agricultural production. Of the total Project area, approximately 45 ac had long been located within the City. The remaining approximate 5 ac were, until 2004, located within unincorporated County of Orange jurisdiction. However, with the recent annexation, the entire site is currently within the city limits. Of the 45 ac portion of the site, approximately 40 ac were deferred CCC certification at the time the City's overall LCP was certified. The LCP Amendment incorporated the 40 ac and the newly annexed area into the City's existing LCP and established land use and zoning designations for those areas. The remaining 5 ac portion of the 45 ac area was certified as OS-C at the time the City's overall LCP was certified. The 40 ac area was originally deferred CCC certification due in part to potential wetland issues.

The City's amendment, as requested in 2002, included designation of approximately 38.5 ac as RL-7, approximately 8.2 ac as OS-P, and approximately 3.3 ac as OS-C. The City later withdrew the IP portion of the LCP Amendment request to allow the LUP to be heard and approved first. The CCC recognized the withdrawal of the IP Amendment at its July 11, 2007, hearing.

2.4.2 CCC-Suggested Modifications to the LUP Amendment

CCC staff conducted a thorough evaluation of the City's LCP (later revised to LUP only) Amendment request, including consideration of alternative development scenarios for the Project site. At the May 2007 hearing in San Pedro, after presentations by staff and the applicant and public testimony, the CCC voted to deny the subject LUP Amendment, as submitted. A motion (i.e., the main motion) was made to approve the LUP Amendment with modifications, but, upon deliberation, the hearing was continued. The LUP Amendment was subsequently scheduled for CCC action at its hearing on July 9-13, 2007.

At the November 14, 2007, hearing, public testimony and CCC discussion included concerns regarding the extent of wetlands on site and the appropriate distance for Environmentally Sensitive Habitat Area (ESHA) buffer areas. The CCC found that the area referred to as the Wintersburg Pond (WP) was not wet enough, long enough to develop a preponderance of wetland vegetation or wetland soils; that the area known as the EPA wetland was wet enough, long enough, to support a preponderance of wetland vegetation or soils in 1996, and that any changes in local hydrology that may have taken place since that time were unpermitted; that a variable-width buffer distance would be adequate to protect the eucalyptus grove ESHA; and that areas referred to as "intermingled areas" found between the areas identified as wetland, ESHA, and buffer areas should not be designated OS-

C. The CCC adopted revised findings on May 7, 2008 to support and explain their November 2007 action. The revised findings made clear that the CCC rejected the 4:1 mitigation ratio for impacts to the 4 ac EPA wetlands and focused on the land use designations as decided at the November 2007 hearing. Restoration of the EPA wetlands is included in the on-site restored wetlands complex, and no additional mitigation is required. The revised findings also clarify the buffer and other requirements of the LUP Amendment approval with suggested modifications.

At its November 14, 2007, hearing, the CCC approved the proposed LUP Amendment with suggested modifications as revised at that hearing. At the May 7, 2008, hearing, the CCC adopted the revised findings with changes to support its decision, including a finding under CEQA that its approval of the LUP Amendment as modified would not result in significant adverse environmental impacts within the meaning of CEQA.

Table 2-1 provides a summary of the suggested modifications adopted by the CCC in 2008 and Exhibit 2-3 depicts the revised land use plan that incorporated these modifications.

The changes made by the CCC include changes in the areas of the site to be designated OS-C and the areas to be designated as the development envelope (which allows either active park or residential development). The OS-P designation was removed, and the area designated OS-C (for conservation of open space) was increased as a result of the CCC's action. Therefore, the land use designations approved for the site by the CCC are RL and OS-C. In addition, the changes made by the CCC at the hearing resulted in changes to the suggested modification regarding the width of the ESHA buffer area and uses allowed within that buffer area. Also, there are changes to the wetlands findings supporting the CCC's determination that the WP area is not a wetland and to eliminate the discussion on the intermingled areas. Finally, changes are made in the ESHA findings to support the variable-width ESHA buffer rather than the 100-meter ESHA buffer, and to allow a portion of a water quality Natural Treatment System (NTS) as an allowable use within a wider portion of the outer ESHA variable buffer in the southerly area of the site, subject to restrictions.

Appendix A of this AEIR contains the CCC-Adopted Findings and CCC Certification Letter.

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- Provision of additional mechanical treatment of on-site and off-site storm water;
- Implementation of a Natural Treatment System (NTS) for storm water treatment;
- Expansion of the eucalyptus ESHA designation and creation of a variable ESHA buffer, which includes restricted public access;

Table 2-1: Summary of CCC-Suggested Modifications

Suggested Modification	Summary
1. Updates subarea description and Land Use Plan (LUP) text	LUP text updates reflect the California Coastal Commission (CCC) action pertaining to the Project area.
2. Modifies table titled Zone 2 to reflect the Parkside Estates Project	The table updates reflect the CCC action pertaining to the Project site land use designations, including the addition of an OS-C (Open Space – Conservation) district and a Public district.
3. Change to figure in LUP	Change to Figure C-6 in the LUP to reflect annexation and correct areas of certified land use designation.
4. Adds new figure to LUP	New figure in LUP for the Parkside Estates site and the approved land use designation.
5. Adds a new subarea to Table C-2 of the LUP	The subarea addition to the table defines the characteristics and design standards and principles, for the Parkside Estates subarea. Design standards and principles include a public access plan, a habitat management plan for all Environmentally Sensitive Habitat Area (ESHA) wetland and buffer areas, archaeological research design, a water quality management program, a pest management plan, a landscape plan, a biological assessment, a wetland delineation, a domestic animal control plan, hazard mitigation, and a flood protection plan.
6. New LUP text regarding visual resources	Describes the Parkside Estates site as a public vista point opportunity.
7. New text regarding eucalyptus ESHA and wetlands	Describes wetlands restoration opportunity areas and eucalyptus trees on the site’s southwestern boundary at the base of the bluff and in the northwest corner of the site as ESHA. Designates the ESHA and buffer areas as OS-C.
8. New LUP policy	Ties phasing of public access and recreation benefits to private development.
9. New LUP policy	New residential streets between the sea and the first public road will be open to the public, and general public parking will be provided.
10. New and modified LUP water and marine resources policies	Specifies requirements pertaining to Treatment and Source Control Best Management Practices (BMPs).
11. New LUP policy	Clarifies that areas constituting wetlands or ESHAs that were converted without CCC approval are protected.

- Creation of a restored wetlands complex that includes the modified 4 ac restored EPA wetlands, the Agricultural Pond or “AP” wetland, and associated wetlands buffer (which overlaps the eucalyptus buffer in some areas);
- Inclusion of a Vegetated Flood Protection Feature (VFPP) to provide flood control protection (substituting for the sea wall as considered in the Final EIR); and
- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

The City Council accepted the suggested modifications and updated the Coastal Element of the City’s General Plan for the Parkside Estates Project in June 2008. In August 2008, the CCC approved the Executive Director’s determination (EDD) that the action of the City accepting certification of Local Coastal Program Land Use Plan (LCP) Amendment No. 1-06 with suggested modifications was legally adequate. The corollary changes to the Project plans are addressed in this CEQA Addendum.

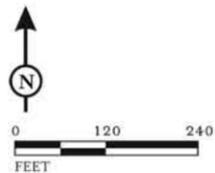
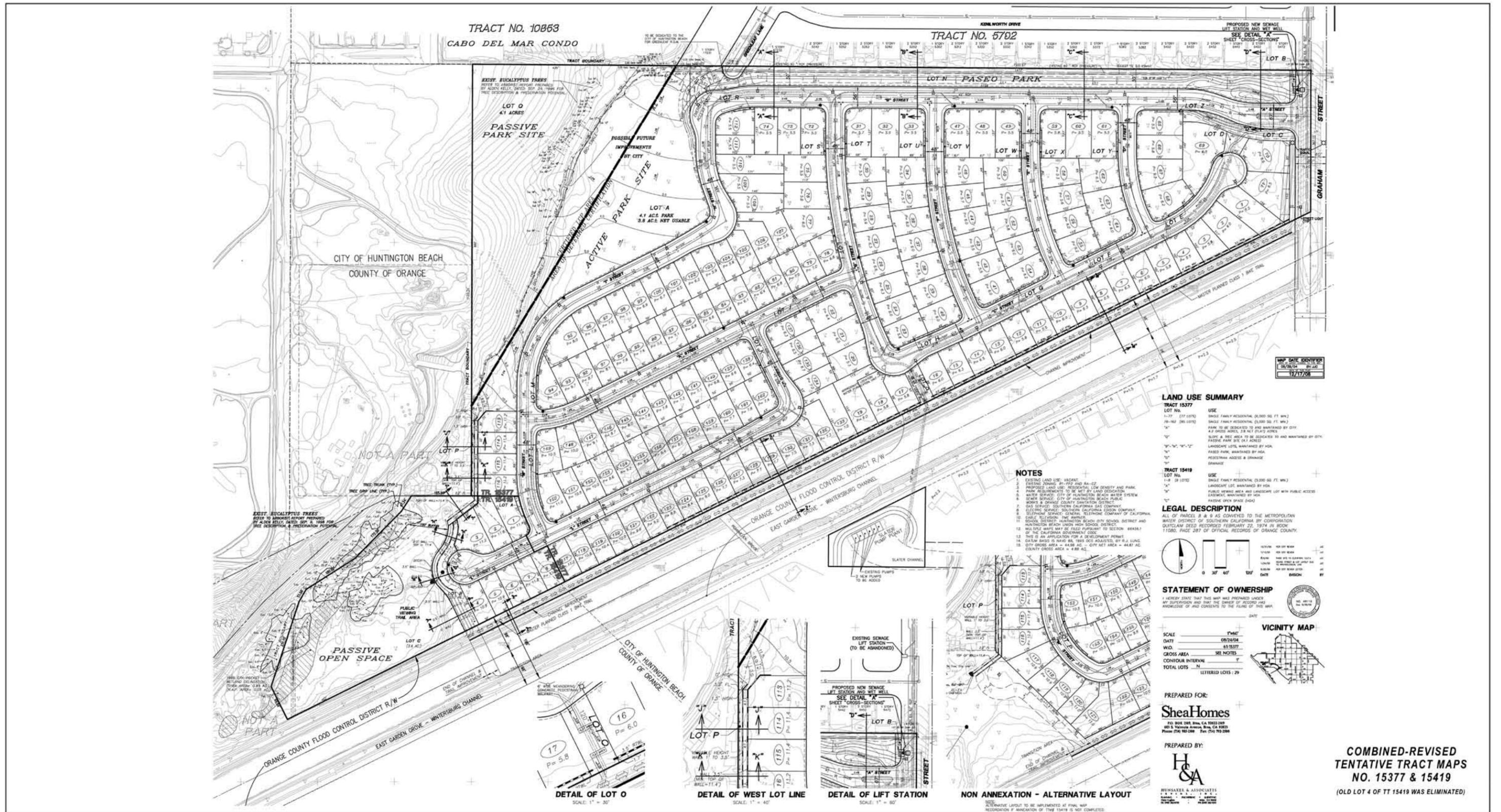
2.5 COMPARISON OF PROJECT (2002 VERSUS 2008)

The Parkside Estates 2002 City-approved land use plan and Tentative Tract Maps have been revised to incorporate the CCC’s suggested modifications adopted by the City in June 2008. The revised land use plan and TTM are shown in Exhibits 2-3 and 2-5 respectively and follow the original City-approved plans (Exhibits 2-2 and 2-4) for easy comparison. Corollary changes to the originally approved CUP, CDP (in concept), GPA, and Zoning Code have also been proposed. As indicated in Table 1-1, there is a 59-unit reduction in the proposed units and a 19.4 acre increase in the amount of land that would be designated for conservation uses.

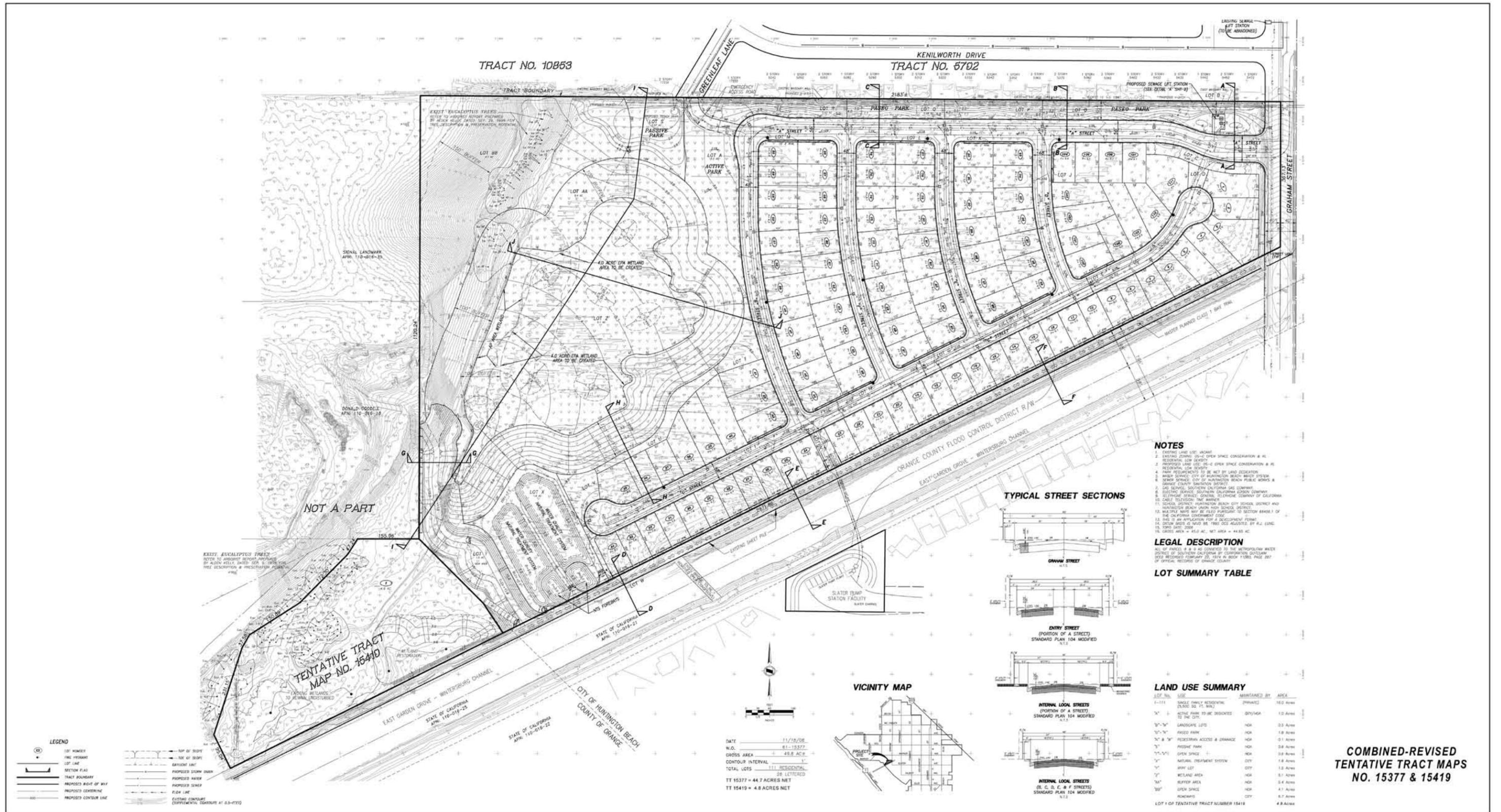
Table 1-1: Land Use Comparison

Land Use	2002 Project		Revised Project		Difference	
	Acres (net)	Units	Acres (net)	Units	Acres (net)	Units
Residential (RL)	37.4	170	26.4	111	-11	-59
Open Space – Park (OS-P)	8.4	n/a	n/a	n/a	-8.4	n/a
Open Space – Conservation (OS-C)	3.7	n/a	23.1	n/a	+19.4	n/a
Total	49.5	170	49.5	111	0	-59

Source: Hunsaker (2008).



SOURCE: Hunsaker & Associates, Inc.



NOTES

- EXISTING LOTS NOT VACANT
- EXISTING ZONING IS C-1 OPEN SPACE CONSERVATION & IS RESERVATION FOR OPEN SPACE
- PROPOSED LOTS USE IS C-1 OPEN SPACE CONSERVATION & IS RESERVATION FOR OPEN SPACE
- PARK REQUIREMENTS TO BE MET BY LAND DEDICATION
- WATER SERVICE: CITY OF HUNTINGTON BEACH BEACH SYSTEM
- SEWER SERVICE: CITY OF HUNTINGTON BEACH PUBLIC WORKS & ORANGE COUNTY SANITATION DISTRICT
- GAS SERVICE: SOUTHERN CALIFORNIA GAS COMPANY
- ELECTRIC SERVICE: SOUTHERN CALIFORNIA Edison COMPANY
- TELEPHONE SERVICE: GENERAL TELEPHONE COMPANY OF CALIFORNIA
- CABLE TELEVISION: TIME WARNER
- SCHOOL DISTRICT: HUNTINGTON BEACH CITY SCHOOL DISTRICT AND HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT TO THE CALIFORNIA GOVERNMENT CODE
- LOCAL ORDINANCE TO BE FILED AND ADJUSTED BY ALL CONCERNED AGENCIES
- DATE: 2008
- NET AREA = 44.7 AC, NET AREA = 44.85 AC

LEGAL DESCRIPTION

LOT 1 OF TRACT NO. 15419 & 15410 TO BE LOTS 101 TO 104 METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA BY CORPORATE GOVERNMENT DEED RECORDED COMPANY 23, 1974 IN BOOK 11982 PAGE 287 OF OFFICIAL RECORDS OF ORANGE COUNTY

LOT SUMMARY TABLE

LOT NO.	USE	MAINTAINED BY	AREA
1-111	SINGLE FAMILY RESIDENTIAL (25,000 SQ. FT. MAX)	PRIVATE	18.0 Acres
"A"	RESERVED PARKWAY (DEDICATED TO THE CITY)	GRV/AGA	1.0 Acres
"B", "C"	LANDSCAPE LOTS	NR	0.3 Acres
"D", "E"	PAVED PARK	NR	1.8 Acres
"F" & "G"	PEDESTRIAN ACCESS & DRAINAGE	NR	0.1 Acres
"H"	PASSIVE PARK	NR	0.8 Acres
"I", "J", "K"	OPEN SPACE	NR	0.8 Acres
"L"	NATURAL TREATMENT SYSTEM	CITY	1.8 Acres
"M"	SPRAY LOT	CITY	1.2 Acres
"N"	WETLAND AREA	NR	0.1 Acres
"O"	BUFFER AREA	NR	0.4 Acres
"P"	OPEN SPACE	NR	4.1 Acres
"Q"	ROADWAYS	CITY	0.7 Acres
LOT 1 OF TENTATIVE TRACT NUMBER 15419			4.8 Acres

LAND USE SUMMARY

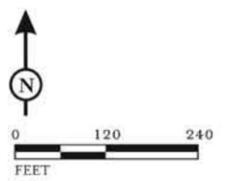
TYPICAL STREET SECTIONS

VICINITY MAP

LEGEND

DATE: 11/18/08
N.O.: 61-15377
CROSS AREA: 48.8 AC±
CONTOUR INTERVAL: 1'
TOTAL LOTS: 111 RESIDENTIAL
28 LETTERED
TT 15377 = 44.7 ACRES NET
TT 15419 = 4.8 ACRES NET

**COMBINED-REVISED
TENTATIVE TRACT MAPS
NO. 15377 & 15419**



SOURCE: Hunsaker & Associates, Inc.

2.6 PROJECT COMMITMENTS

The revised Project plans (see Exhibits 2-3 and 2-5 and revised application package on file at the City of Huntington Beach) reflect and incorporate the suggested modifications by the CCC, described above. The revised Project plans also incorporate additional Project features to reduce project-related energy and water consumption, reduce waste generation, and promote use of renewable resources, as requested by City staff and committed to by the applicant. These voluntary commitments are identified in the Sustainability Program appended to this document (Appendix C). The elements identified in the Sustainability Program go beyond the requirements of the Certified EIR Air Quality Mitigation Plan and are supplemented by additional commitments to reduce greenhouse gas (GHG) emissions as listed below.

- **Project Commitment – Construction. Prior to the issuance of building permits:**
 - The Project plans and specifications shall include a statement that construction equipment shall be shut off when not in use and shall not idle for more than 5 minutes.
 - The Project plans and specifications shall include a statement that queuing of trucks on and off site shall be limited to periods when absolutely necessitated by grading or construction activities.
 - The Project plans and specifications shall include a statement that, to the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric equipment.
 - The Project plans and specifications shall include policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
 - The Project plans and specifications shall include education for construction workers about reducing waste and available recycling services.

- **Project Commitment – Operation. Prior to the issuance of building permits:**
 - The applicant shall demonstrate that the design of the proposed buildings or structures exceeds current (2008) Title 24 requirements.
 - The applicant shall demonstrate that the design of the proposed buildings or structures incorporates basic or enhanced insulation such that heat transfer and thermal bridging are minimized. (See also the Heating, Ventilation, and Air Conditioning (HVAC) component of the Sustainability Program, Appendix C.)
 - Air leakage through the structures or within the heating and cooling distribution systems shall be limited to minimize energy consumption. (See also the HVAC component of the Sustainability Program, Appendix C.)
 - The applicant shall demonstrate that the design of the proposed buildings or structures incorporates Energy Star-rated windows or better. (See also the Windows component of the Sustainability Program, Appendix C.)
 - The applicant shall demonstrate that the design of the proposed buildings or structures incorporates Energy Star-rated space heating and cooling equipment or better. (See also the Appliances/Fixtures component of the Sustainability Program, Appendix C.)
 - The applicant shall demonstrate that the design of the proposed buildings or structures incorporates Energy Star-rated light fixtures or better. (See also the Appliances/Fixtures component of the Sustainability Program, Appendix C.)
 - The applicant shall demonstrate that the design of the proposed buildings or structures includes consideration installation/operation of renewable electric generation systems. (See also the Potential Option component of the Sustainability Program, Appendix C.)

- The applicant shall demonstrate that the proposed building or structure designs incorporate energy-efficient hot water systems. (See also the Plumbing and Potential Option components of the Sustainability Program, Appendix C.)
- The applicant shall demonstrate that the landscape plan for the proposed buildings or structures incorporates water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls or irrigation controls that account for actual weather conditions. (See also the Site and Consumer Education components of the Sustainability Program, Appendix C.)
- The applicant shall demonstrate that the design of the proposed buildings or structures includes measures to be water-efficient, such as water-efficient fixtures and appliances. (See also the Plumbing component of the Sustainability Program, Appendix C.)
- The applicant shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting. (See also the Appliances/Fixtures component of the Sustainability Program, Appendix C.)

3.0 COMPARATIVE EVALUATION OF ENVIRONMENTAL IMPACTS

A comparative analysis has been undertaken pursuant to provisions of CEQA to provide City decision-makers with a factual basis for determining whether changes in the Project, changes in circumstances, or new information since Final EIR No. 97-2 was certified require additional environmental review or preparation of a subsequent or supplemental EIR. The basis for each finding is explained in the analyses that follow.

Areas of potential environmental effect as a result of the Project, as identified in the Initial Study and addressed in EIR No. 97-2, are:

- Land Use Compatibility
- Aesthetics/Light and Glare
- Transportation/Circulation
- Air Quality
- Noise
- Earth Resources
- Drainage/Hydrology
- Biological Resources
- Cultural and Paleontological Resources
- Public Services and Utilities

This Addendum compares anticipated environmental effects of the revised Project as modified by CCC action with those identified in EIR No. 97-2 to review whether any conditions set forth in Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR are met. The Addendum also discusses the status and the applicability of the certified EIR Mitigation Measures. Mitigation measures that have been met and/or are no longer applicable to the revised Project are shown in *italics print* within the following sections as well as in the Mitigation Monitoring Program in Appendix B.

3.1 LAND USE COMPATIBILITY

3.1.1 Existing Environmental Setting

Please see Section 5.1 of certified 2002 Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for land use. The Project site is an approximately 50 ac parcel of vacant, primarily agricultural land that is mostly devoid of native vegetation and located between the Wintersburg Flood Control Channel on the south, Graham Street to the east, and residential development to the north. The land west of the site is vacant and commonly known as the Bolsa Chica Mesa. Final EIR No. 97-2 presented and analyzed the proposed Project site development in the context of the City General Plan, Huntington Beach Zoning and Subdivision Ordinance, and Bolsa Chica LCP goals.

The CCC findings state that the approximately 50 ac site is located in close proximity to the Bolsa Chica Wetlands restoration area. The Bolsa Chica Wetlands, at approximately 1,000 ac, is the largest remaining wetland in Southern California. Because it is tidally influenced, the Bolsa Chica Wetlands constitute “sea” according to the Coastal Act definition (Section 30115). Because there is no public road between the subject site and the Bolsa Chica Wetlands, the site is between the sea and the first public road. As such, the area is given special significance under the Coastal Act with regard to the requirement for the provision of public access. Further, the Coastal Act gives priority to land uses that provide opportunities for enhanced public access, public recreation, and lower-cost visitor recreational uses.

Beyond the Bolsa Chica Wetlands restoration area is the Pacific Ocean and its sandy public beaches. Thus, public access across the subject site to the Bolsa Chica area would, in turn, facilitate public access, via alternate means of transportation (bicycle and pedestrian), to the ocean and beach beyond.

The visitor-serving uses available within the Bolsa Chica Reserve (such as walking, nature study, or bird watching) are served by only two small parking areas. One is located at the Interpretive Center at the corner of Warner Avenue and Pacific Coast Highway and the second at about the midway point along the Reserve’s Pacific Coast Highway frontage. There is no public parking available along Pacific Coast Highway adjacent to the Reserve; thus, the benefits of providing alternate forms of transportation to access the area (such as biking or hiking from inland areas) are substantially increased. The lack of adequate parking to serve the Reserve area is also a limiting factor in maximizing public use of the Reserve’s amenities. Providing public parking on public streets in the Parkside Estates Project and ensuring that any future streets within the subject site are open to the public will maximize public access in the area.

The Brightwater residential development, approved by the CCC under CDP No. 5-05-020 (Brightwater), is located less than 0.5 mile west of the subject site. That development was originally proposed as a private, guard-gated community. However, as approved by the CCC, the development is open to general public vehicular and pedestrian access and allows public parking on all subdivision streets. Also, as approved by the CCC, the development includes a public trail along the bluff edge of the development, with public paseos and pocket parks throughout. The CCC’s approval also required public access signage (CCC Adopted Findings, pp. 52–53, Appendix A).

3.1.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.1 of the certified Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to land use. The Final EIR concluded that there would be no impacts related to the on-site residential land use relationship, and that there would be no impacts related to on-site land use relationships between the proposed park and proposed residential uses. In addition, the Final EIR stated that establishment of new residential land use relationships with adjacent land uses would not result in significant impacts. There would be no impacts to land use relationships between the proposed park and existing off-site residential uses.

Furthermore, the Final EIR concluded that the proposed Project would not result in impacts to the Land Use, Urban Design, Housing, Historic and Cultural Resources, Economic Development, Growth Management, Circulation, Public Services, Recreation and Community Services, Utilities, Environmental Resources/Conservation, Air Quality, Coastal, Environmental Hazards, Noise, and Hazardous Materials Elements of the City General Plan. The proposed Project evaluated in the Final EIR included amendments to the Coastal and Land Use Elements of the General Plan.

The Final EIR also concluded that the Project would not result in project-specific or cumulative impacts to the LUP and Bolsa Chica LCP.

Final EIR No. 97-2 concluded that the Project may result in significant impacts related to the provision of affordable housing and cumulative impacts related to inconsistencies with the City Affordable Housing Policy. Mitigation Measure 1 requires that 10 percent of the proposed housing units be affordable.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.1.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.1.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. Final EIR No. 97-2 was approved in 2002. Between 2003 and 2008, the applicant was engaged in additional studies, meetings with City and CCC staff, and several CCC hearings. As a result of all these efforts, including the CCC's Suggested Modifications to the LUP Amendment, the following key changes to the Project, relevant to Land Use Compatibility have been made:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development footprint from 37.4 ac to 26.4 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- The area designated for OS-C increased from 3.7 ac to 23.1 ac (including a 0.6 ac passive park).
- The area designated for an active/passive park will be decreased from 8.4 ac to 1.6 ac (a 1.0 ac active park in RL and 0.6 ac in OS-C).
- Implementation of an NTS for storm water treatment.

Please see Section 2.0 of this addendum document for more information regarding the Project changes.

The major land use effect of these key changes is a net increase in conservation of open space and a net decrease in development footprint. Other changes to the Project site plan, including modifications approved by the CCC, that may affect land use compatibility include changes to the site plan (e.g., the reduced number of residential units, the reduced development footprint and increased area dedicated to open space, and the introduction of specific open space uses, including the NTS, the VFPP, and increased conservation area). The increased area dedicated to natural open space is consistent with residential uses; therefore, there are minimal changes to the Final EIR conclusions regarding on-site land use relationships between the proposed park/open space and proposed residential uses. The active recreation/park area has been reduced, and the natural, conservation open space area is larger. The number of dwelling units has also been reduced by approximately 59 units or 35 percent. The total area dedicated to open space (including OS-C, OS-P, and wetlands) increased from approximately 12 ac to approximately 23 ac (Table 1-1). The proposed Project changes include parallel modifications to the Land Use and Coastal Element amendments; therefore, the changes do not change the conclusion with regard to Project consistency with the City's General Plan.

The increased area dedicated to natural open space, preservation and creation of wetlands, and dual mechanical and natural treatment of storm water before it is discharged to the ocean are all Project modifications that are intended to enhance the natural coastal environment, and are therefore consistent with the Bolsa Chica LCP.

The CCC findings state that the LUP Amendment, as proposed and amended, will provide a Class I bicycle path, a public view area, a public park area, and interior trails as well as public parking along the residential streets. Such uses constitute lower-cost, visitor-serving recreational uses. As modified, the recreational and public access provisions will be constructed prior to or concurrent with the residential uses. Therefore, the CCC found that the proposed LUP Amendment is consistent with the sections of the Coastal Act pertaining to visitor-serving commercial recreational facilities that encourage provision of lower-cost public recreational facilities (CCC Adopted Findings, p. 62, Appendix A).

The revised subdivision is similar to the 2002 approved Project, but a substantial part of the western portion of the subdivision has been eliminated and the density has been reduced from 170 units to 111 units. The allowable uses in the park will not be intensified compared to the approved 2002 Project. The buffers approved by the CCC for the separation of the RL and OS-C uses have been increased in some areas compared with the buffers included in Final EIR No. 97-2 for the former County portion of the site. Therefore, there are no changes in regard to Final EIR conclusions that there would not be project-specific or cumulative impacts to the land use compatibility nor the City General Plan and Bolsa Chica LCP.

As stated in Section 3.1.2, the Final EIR included Mitigation Measure 1 to ensure compliance with the City's affordable housing policy. The mitigation measure requires the applicant to satisfy the City's policy which is based on a requirement that 10 percent of the proposed units be affordable, and allows policy compliance through a variety of methods, including payment of fees. The revised Project includes fewer units; therefore, the applicant's obligation to affordable housing in the City has been commensurately reduced. The applicant has already satisfied the requirement through the acquisition of off-site affordable units. Thus, the requirements of Mitigation Measure 1 have been

satisfied, and there is no change in the conclusion of the Final EIR that this impact is reduced to below a level of significance with implementation of mitigation.

3.1.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to land use compatibility than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.1.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the land use compatibility impacts of the 2008 Project revisions would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measure 1 of the Final EIR has been satisfied by the Project applicant and is therefore no longer applicable. It is shown in italics below.

1. *Prior to recordation of a final tract map, the applicant must satisfy the City's policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods:*
 - A. *Pay a fee to the City if such a process is available;*
 - B. *Participate with other developers or a nonprofit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or*
 - C. *Provide the required affordable units at one of Shea Homes' future multifamily projects within the City of Huntington Beach.*

3.1.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the land use impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to land use compatibility, nor is there a substantial increase in the severity of impacts to land use compatibility from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to land use compatibility that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to land use compatibility requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to land use compatibility identified in and considered by the certified Final EIR No. 97-2.

3.2 AESTHETICS/LIGHT AND GLARE

3.2.1 Existing Environmental Setting

Visual Character

Please see Section 5.2 of certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for visual resources. Visual resources on the Project site include several eucalyptus trees located in the northwestern portion of the Project site and one stand in the southwestern portion of the site. The CCC Findings state that the subject site offers the opportunity to provide public views from the site to the Bolsa Chica Wetlands area and toward the ocean beyond.

Trails and Corridors

The Project is unfenced private property. Currently, and at the time the EIR was prepared and certified, some pedestrians choose to walk across the site.

As stated in the Final EIR, a planned scenic route would run north-south along Bolsa Chica Street. In addition, Bolsa Chica Street is proposed to have a Class II bicycle lane. The Final EIR also refers to the LCP, which identifies an interpretive trail with limited access to be located along the East Garden Grove-Wintersburg Flood Control Channel, south of the site, and a proposed Class I bicycle and hiking trail to be located adjacent to the interpretive trail.

Light and Glare

According to the Final EIR, the existing site is vacant and does not generate light and glare; however, nighttime illumination is generated by the adjacent street lights and associated vehicular lights as well as the surrounding residential land uses.

3.2.2 Certified 2002 Final EIR No. 97-2 Impacts

Visual Character

Please see Section 5.2 of the certified Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to visual resources. The Final EIR concluded that no sensitive visual resources exist on the Project site, and that the Project would not affect any existing or proposed City scenic routes.

First, the Final EIR concluded that the proposed Project may result in a significant visual impact due to the reduction of viewable open space areas. Some members of the community may perceive this change as a negative aesthetic effect. The Final EIR includes Mitigation Measures 1 and 2 to require incorporation of City comments on the final design and layout of the buildings and approval of the landscaping plans. Mitigation Measure 3 requiring the replacement of mature trees was included in the Final EIR for the original Project's impacts to removal of on-site eucalyptus trees. The 2002 City-approved Project (Alternative 7) did not include eucalyptus tree removal and therefore, Mitigation Measure 3 did not apply to the 2002 City-approved Project.

Trails and Corridors

The Project as approved at the time the Final EIR was certified included a public park in the northwest portion of the site. No designated trails were included in the park; however, the presence of a publicly accessible park would have allowed continued pedestrian use by the public across a portion of the site.

The Final EIR concluded that the proposed Project may result in significant impacts to County-proposed trails. Class II bicycle lane is proposed by others to run north-south along Bolsa Chica Street; an interpretive trail is proposed to be located along the East Garden Grove-Wintersburg Flood Control Channel, south of the site; and a proposed Class I bicycle and hiking trail is proposed adjacent to the interpretive trail. Final EIR No. 97-2 includes Mitigation Measure 4 that requires approval of consistency of the proposed bikeway plan with the Orange County Bikeway Plan.

Light and Glare

The Final EIR determined that the proposed Project may result in significant impacts due to the increase of light and glare generated on site from vehicles. The proposed Project is expected to result in impacts to the surrounding residential development primarily to the north and to some extent to the east, as well as significant light and glare impacts to the off-site uses. Final EIR No. 97-2 incorporates Mitigation Measures 1–3 (related to glare) that require approval of the plan consistent with standards for roadway lightening, prevention of light spillage onto adjacent properties, and use of nonreflective materials.

A listing of the Certified EIR mitigation measures related to aesthetics/light and glare and their applicability to the revised Project are included in Section 3.2.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.2.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to Aesthetics/Light and Glare include:

- A decrease in the number of residential units from 170 to 111 units;
- A commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- Expansion of the eucalyptus ESHA designation and creation of a variable buffer, which includes restricted public access;
- Creation of a restored wetlands complex that includes the modified 4 ac restored EPA wetlands, the AP wetland, and associated wetlands buffer (which overlaps the eucalyptus buffer in some areas);
- Inclusion of a VFPP to provide flood control protection (substituting for the sea wall as considered in the Final EIR); and

Please see Section 2.0 of this addendum document for more information regarding the Project changes.

Visual Character

The changes to the Project, including modifications approved by the CCC, that may affect the Final EIR conclusion regarding aesthetics include the reduced number of residential units, the reduced development footprint and increased area dedicated to open space, and the introduction of specific open space uses, including the NTS and increased conservation area. The revised Project includes additional buffer protection for the existing northwest grove of eucalyptus trees. The natural areas on the site will be planted with native species, and overall, the reduced development footprint and increased area of natural open space is considered to have a positive effect on the visual environment and does not change the conclusions of the Final EIR.

The Final EIR identifies impacts as a result of a reduction of viewable open space areas as a potentially significant impact. Original Mitigation Measures 1 and 2 are still applicable to the revised Project and require incorporation of City comments and conditions in the site design plans and final landscape plans that include landscaping on the outside of the perimeter wall for the Project. The CCC findings state that the VFPP would provide an excellent opportunity to provide public views to and along the coast and scenic areas (CCC Adopted Findings, p. 57, Appendix A). The LUP Amendment text identifies the Project site as a vista point with public views toward the Bolsa Chica Wetlands and the Pacific Ocean. A public vista location is included in the revised Project as reflected in the revised TTMs (see Figure 2-5). The proposed Project changes result in an increase in the area preserved as open space compared with the Project as analyzed in Final EIR No. 97-2, and therefore a reduced impact with regard to changes to viewable open space compared with the Project as evaluated in the Final EIR.

Trails / Corridors

As stated above, there are no existing designated trails currently transecting the Project site, and the Project as approved in 2002 did not include any designated trails transecting the site. The CCC designation of the 2002 Project public park area as ESHA requires certain protections and restrictions of the natural resources in this area. Therefore, the CCC ESHA designation and accompanying access restrictions for the conservation areas do not represent substantial changes in circumstances nor result in new significant impacts.

The CCC-suggested modifications included changes to the language of the LUP Amendment to further ensure and enhance the Project's public access and coastal recreation value. These changes include:

- Bicycle path along the East Garden Grove-Wintersburg Flood Control Channel adjacent to the site development;
- Public (ungated) streets and parking within the proposed residential area;
- Phased implementation of recreation and public access benefits; and
- Interior trail connections between Graham Street, future public park areas, and the bicycle path.

These features have been incorporated into the revised Project plans. Improvements to the existing trail along the East Garden Grove-Wintersburg Flood Control Channel are included in the revised Project. The Parkside Estates Project also includes internal public trails and sidewalks that connect to the channel levee trail. A trail contemplated along the north property line has been found to be

infeasible due to the grade differential along the north property line and the ESHA protection requirements. Overall, the Project changes, including the CCC ESHA designation and the effect of ESHA protection requirements on pedestrian access, are balanced by the availability of public streets (rather than private streets with gate control) and the implementation of on-site trails and sidewalks combined with improvements to the channel levee trail.

Suggested Modification No. 9 stipulates that roadways are public streets. Therefore, the Project street system will be available to the public, and any views from those streets would be enjoyed by the public. There is no change to the trail system associated with the Project; an interpretive trail is proposed to be located along the East Garden Grove-Wintersburg Flood Control Channel, south of the site, and a Class I bicycle and hiking trail is proposed adjacent to the interpretive trail. The suggested modifications include, and the CCC findings reference incorporation of, open fencing/wall, landscaped screening, use of an undulating or offset wall footprint, or decorative wall features (such as artistic imprints, etc.), or a combination of these measures for the bicycle path along the top of the levee. Final EIR No. 97-2 Mitigation Measure 4, which requires approval of consistency of the proposed bikeway plan with the Orange County Bikeway Plan, will continue to apply to the revised Project.

Light and Glare

With implementation of the revised Project features, Mitigation Measures 1 through 3 (under glare), Suggested Modifications Nos. 6 and 9 (see Section 2.5), and the overall reduction in the Project development footprint and increase in the natural open space on the site, the light and glare impacts of the revised Project are consistent with and reduced compared to those identified in the Final EIR.

3.2.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative aesthetic impacts than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.2.5 Standard City Policies and Mitigation Measures

Based on the analysis above, Project revisions would remain the same or be reduced from those identified in the Certified EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 and 2 (under Aesthetics) and Mitigation Measures 1 through 3 (under Light and Glare) listed below would still apply. However, Mitigation Measure 3 (under Aesthetics) is not applicable to the revised Project as no mature trees will be removed, and therefore, this Mitigation Measure is shown in italics below.

Aesthetics

1. Prior to approval of building permits, the applicant shall provide proof of incorporation of City comments/conditions related to the overall proposed design and layout of buildings, and landscaping. The design and layout of buildings shall be approved by the City Department of Planning.

2. Prior to issuance of building permits, the applicant shall submit a landscaping plan for the area outside the perimeter wall along Graham Street to be reviewed and approved by the City Department of Planning.
3. *Prior to approval of building permits, the applicant shall provide a Landscape Plan to be approved by the Department of Public Works and the Department of Planning, which includes the replacement of all mature trees on the site at a 2:1 ratio with 36-inch box trees.*
4. Prior to approval of building permits, the applicant shall submit a bikeways plan to the City of Huntington Beach Planning Division Department in consultation with the Manager of the County PFRD/HBP Program Management and coordination, for approval of consistency with the Orange County Bikeway Plan.

Light and Glare

1. Prior to the approval of building permits, the applicant shall prepare a plan that shows the proposed height, location, and intensity of street lights on site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Department.
2. Prior to the approval of building permits, if outdoor lighting is to be included, energy saving lamps shall be used. All outside lighting shall be directed to prevent “spillage” onto adjacent properties and shall be shown on the site plan and elevations.
3. Nonreflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.

3.2.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the aesthetics/light and glare impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to aesthetics/light and glare, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to aesthetics/light and glare that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to aesthetics/light and glare requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to aesthetics/light and glare identified in and considered by the certified Final EIR No. 97-2.

3.3 TRANSPORTATION/CIRCULATION

3.3.1 Existing Environmental Setting

Please see Section 5.3 of certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for traffic and circulation patterns. Appendix B of Final EIR No. 97-2 includes the Traffic Study for the Graham Street Residential Development. The site is currently cultivated and therefore does not generate traffic other than occasional farming-related trips.

The primary regional access to the site is from the Interstate 405 (I-405), whereas the primary local west-east access is from Warner Avenue, with north-south access from Graham Street. As stated in the Final EIR, the City has determined that level of service (LOS) C or better is the acceptable standard for roadway links, whereas LOS D or better is the acceptable standard for intersections. The Final EIR analyzed six study area intersections (Bolsa Chica Street/Warner Avenue, Greenleaf Lane/Warner Avenue, Graham Street/Warner Avenue, Springdale/Warner Avenue, Graham Street/Glenstone, and Graham Street/Slater Avenue), and several roadway segments along Warner Avenue and Graham Street. The analysis of existing intersection LOS determined that all intersections currently operate at LOS C or better for both peak periods with existing traffic volumes. Because the Project proposes an additional access from Graham Street, a signal warrant analysis/traffic signalization analysis was performed.

3.3.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.3 of the certified Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to transportation and circulation. The Final EIR concluded that the Project would not result in adverse project-specific impacts related to vehicular traffic increases at the modeled intersections and roadway segments under the existing plus Project conditions and under short-term cumulative conditions. In addition, the Final EIR determined that the Project would not result in significant impacts related to parking.

The Final EIR concluded that the proposed Project may result in significant short-term, construction-related impacts due to the addition of truck and construction traffic vehicles. Final EIR No. 97-2 incorporates Mitigation Measure 1, which requires implementation of a truck and construction vehicles rerouting plan.

In addition, the Final EIR determined that the proposed Project may result in significant impacts to pedestrian, bicycle, and vehicular safety related to the establishment of access and an on-site circulation system. Final EIR No. 97-2 incorporates Mitigation Measures 2–4, which require: (a) construction of a traffic signal light and improvement of the proposed “A” Street/Graham Street intersection, (b) incorporation of the pedestrian/bicycle safety standards, and (c) restriping of Graham Street.

Ultimately, the Final EIR concluded that the proposed Project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in LOS deficiencies at the intersections of Bolsa Chica Street/Warner Avenue and Graham Street/Warner Avenue under the 2020 condition, and therefore would have a significant impact related to LOS before mitigation. Five mitigation measures are included in the Final EIR to address impacts to transportation and circulation, including construction traffic routing, a new traffic signal at proposed “A” Street and Graham Street, pedestrian and bicycle improvements, and restriping Graham Street. Final Mitigation Measure 5 requires the

applicant to pay fair-share fees that would cover 2020 improvements at those two impacted intersections.

A listing of the Certified EIR mitigation measures related to transportation/circulation and their applicability to the revised Project are included in Section 3.3.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.3.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC’s suggested modifications to the LUP Amendment. The Project changes related to Transportation/Circulation include:

- A decrease in the number of residential units from 170 to 111 units;
- A decrease in active/passive park from 8.4 acres to 1.6 acres (a 1.0-acre active park in RL and a 0.6-acre in OS-C)
- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The changes to the Project, including modifications approved by the CCC, that may affect transportation and circulation include the reduced number of dwelling units, reduced park site, and reduced quantity of fill required to regrade the site. The revised Project has 59 fewer units compared to the Project approved based on the Final EIR. The approximately 35 percent reduction in units will result in a commensurate decrease in the number of vehicular trips generated by the Project. Specifically, average daily traffic (ADT) would drop from 2,040 trips per day to 1,332 trips per day with the revised Project, and a.m. peak-hour trips would drop from 163 to 107, and p.m. peak-hour trips would change from 204 to 133 (see Table 3-1).

Table 3-1: Summary of Trip Generation Rate Comparisons¹

Land Use	Density	ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
2002 Single-Family (Alternative 7)	170	2,040	49	114	163	143	61	204
2008 Single-Family	111	1,332	32	75	107	93	40	133

¹ Rates per San Diego Association of Governments (SANDAG) Traffic Generation
Daily trips per unit: 12
AM Peak: 8% of daily split 30:70 (inbound:outbound)
PM Peak: 10% of daily split 70:30 (inbound:outbound)
ADT = average daily traffic

Despite the reduction in traffic resulting from the Project, the traffic and circulation Mitigation Measures 1 through 4 included in the Final EIR remain applicable to the revised Project. These mitigation measures include a construction traffic routing plan, physical traffic safety improvements such as installation of a traffic signal, incorporation of pedestrian/bicycle safety standards, and restriping Graham Street to include vehicular and bicycle lanes.

The reduction in the number of dwelling units and reduced quantity of imported fill needed to regrade the site will result in a reduction in construction trips, particularly haul trips for fill and construction materials. However, Mitigation Measure 1 requiring a construction traffic routing plan is still required for the revised Project.

Suggested CCC Modification No. 5 requires the following: (a) a Public Access Plan be developed for the Project, including the provision of a Class I Bikeway along the north levee of the flood control channel; (b) provision of a public vista point; (c) all streets be public; (d) provision of public access trails to the Class I Bikeway; (e) other public open space and Class I trails; (f) public access signage; and (g) visual treatment of privacy walls. These provisions in Suggested Modification No. 5 are consistent with, and build upon, Mitigation Measures 3 and 4, which addresses pedestrian and bicycle safety along the Project perimeter.

In addition, Mitigation Measure 5 also remains applicable and requires the payment of fair-share fees for improvements to two intersections on Warner Avenue to offset contributions to cumulative effects at those intersections.

3.3.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to transportation and circulation than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.3.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the traffic/circulation impacts from the 2008 Project revisions would remain the same or be reduced from those identified in the Certified EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 5 listed below would still apply to the Project.

1. Prior to issuance of grading permits, the applicant shall coordinate with the City of Huntington Beach in developing a truck and construction vehicle routing plan (including dirt import haul route). This plan shall specify the hours in which transport activities can occur and methods to minimize construction-related impacts to adjacent residents. The final plan shall be approved by the City Engineer.
2. Prior to the final inspection, the applicant shall construct a traffic signal and improve the intersection at the proposed "A" Street and Graham Street.
3. Prior to issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including Americans with Disabilities Act [ADA]) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.
4. Prior to the final inspection, the applicant shall be responsible for restriping Graham Street from Glenstone to the Project access ("A" Street) as follows:
 - Two 7-foot bike lanes; one 12-foot through lane in each direction; and a 14-foot two-way, left-turning median.

- Additionally, the applicant shall be responsible for restriping Graham Street from “A” Street to Warner Avenue, as follows:
- Two 7-foot bike lanes; one 18-foot through lane in each direction; and a 14-foot two-way, left-turning median.
5. Prior to final inspection, the applicant shall participate in the applicable Traffic Impact Fees (TIF) for the City of Huntington Beach. The actual allocation shall be approved by the City. Appropriate credits shall be granted toward the TIF. The TIF shall cover the Project’s fair share of year 2020 improvements to the arterial street system as follows:
- Bolsa Chica Street/Warner Avenue – reconfigure intersection for east/west traffic to provide dual left turns and either three through lanes or an exclusive right-turn lane. The deficiency is a product of cumulative growth and not a direct result of the proposed Project.
 - Graham Street/Warner Avenue – reconfigure intersection to provide an exclusive southbound right-turn lane from Graham Street to Warner Avenue. This deficiency is a product of cumulative growth and not a direct result of the proposed Project.

3.3.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the transportation/circulation impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to transportation/circulation, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to transportation/circulation that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to transportation/circulation requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to transportation/circulation identified in and considered by the certified Final EIR No. 97-2.

3.4 AIR QUALITY

3.4.1 Existing Environmental Setting

Please see Section 5.4 of certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for air quality. Appendix D of Final EIR No. 97-2 includes the assumptions and air quality calculations for the Parkside Estates Project.

The site is located in the South Coast Air Basin (Basin) and therefore is under jurisdiction of the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (ARB). The Final EIR states that at the time the Basin was designated as a nonattainment area for ozone, carbon monoxide, nitrogen dioxide, and particulate matter less than 10 microns in size (PM₁₀) by the EPA and ARB. Sulfur dioxide, nitrogen dioxide, sulfate, and lead concentrations were below the State and federal standards. Subsequent to the adoption of the Final EIR, the Basin attained compliance with all carbon monoxide standards and the Basin has been re-designated as “attainment” for this pollutant. The site is currently cultivated, does not generate traffic other than occasional farming-related trips, and is assumed to generate negligible mobile and stationary source air emissions.

3.4.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.4 of the certified 2002 Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to air quality. The Final EIR concluded that the Project may result in significant impacts with respect to exceeding SCAQMD’s daily threshold emissions levels for nitrogen oxides (NO_x) during construction activities. The addition of emissions to the Basin is considered a significant impact under CEQA. The Final EIR incorporates Mitigation Measures 1 through 6, which require use of BMPs during the grading and construction.

Final EIR No. 97-2 determined that the Project, in conjunction with the past, present, and reasonably foreseeable future projects, would result in short-term air quality impacts due to construction activities. The Final EIR includes Mitigation Measures 1 through 6, which necessitate implementation of BMPs during grading and construction activities.

Final EIR No. 97-2 concluded that the Project, in conjunction with the past, present, and reasonably foreseeable future projects, would incrementally contribute to emissions to the Basin, which is designated as nonattainment. The Final EIR incorporates Mitigation Measures 7 and 8, which require a proof of contribution of fair-share fees toward the regional traffic improvements system for the area and installation of the energy savings features.

A listing of the Certified EIR mitigation measures related to air quality and their applicability to the revised Project are included in Section 3.4.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.4.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC’s suggested modifications to the LUP Amendment. The Project changes related to Air Quality include:

- A decrease in the number of residential units from 170 to 111 units;
- A decrease in active/passive park from 8.4 acres to 1.6 acres (a 1.0-acre active park in RL and a 0.6-acre in OS-C)
- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The changes to the Project, including modifications approved by the CCC, that may affect air quality include the reduction in the number of residences, the reduced park area, and the reduced import of fill. The reduction in the number of dwelling units will result in a commensurate reduction in vehicular trips generated by the Project and therefore a reduction in vehicular emissions as a result of the Project. The reduced quantity of fill needed to create the appropriate grade of the site is expected to result in fewer haul trips to deliver fill and reduced construction activity to grade the site. A reduction in construction emissions may be realized. Mitigation Measures 1 through 6 to reduce construction emissions, as included in the Final EIR for the Project, are applicable to the revised Project.

A summary of the criteria pollutants emissions associated with the revised Project is provided in Table 3-2. The changes to the Project result in fewer emissions of each pollutant. None of the pollutants are emitted at levels that would exceed SCAQMD thresholds; however, Mitigation Measures 7 and 8 to assist in reducing long-term operational emissions would still apply.

Table 3-2: Project Emission Summary / Criteria Pollutants

Source	Pollutant Emissions, lbs/day					
	CO	ROC	NO _x	SO ₂	PM ₁₀	PM _{2.5}
Approved Land Uses						
Stationary Sources	9.1	11	4.2	0.01	0.12	0.12
Mobile Sources	230	21	31	0.22	36	7.0
Total Emissions	239	32	35	0.23	36	7.1
Planned Land Uses						
Stationary Sources	5.9	7.2	2.7	0.01	0.07	0.07
Mobile Sources	150	13	20	0.14	23	4.6
Total Emissions	156	20	23	0.15	23	4.7
Net Change	-83	-12	-12	-0.08	-13	-2.4
SCAQMD Thresholds	550	55	55	150	150	55
Significant?	No	No	No	No	No	No

CO = carbon monoxide
lbs/day = pounds per day
NO_x = nitrogen oxides
PM₁₀ = particulate matter less than 10 microns in size
PM_{2.5} = particulate matter less than 2.5 microns in size
ROC = reactive organic compounds
SO₂ = sulfur dioxide

Additional information is also included in this Addendum regarding GHG emissions and global climate change. In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals: Statewide GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to

80 percent below 1990 levels by 2050. On January 18, 2007, California further solidified its dedication to reducing GHGs by setting a new Low Carbon Fuel Standard for transportation fuels sold within the State. Executive Order S-1-07 sets a declining standard for GHG emissions measured in carbon dioxide (CO₂) equivalent grams per unit of fuel energy sold in California. The goal of the Low Carbon Fuel Standard is to reduce the carbon intensity of California passenger vehicle fuels by at least 10 percent by 2020.

California's major initiatives for reducing GHG emissions are outlined in Assembly Bill 32 (AB 32), the "Global Warming Solutions Act" (Act), passed by the California State legislature on August 31, 2006; a 2005 Executive Order; and a 2004 ARB regulation to reduce passenger car GHG emissions. The statute begins with several legislative findings and declarations of intent, including the following:

Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems. (Health and Safety Code, Section 38501.)

The State goal is to reduce GHG emissions to 1990 levels by 2020, a reduction of approximately 25 percent, followed by an 80 percent reduction below 1990 levels by 2050. The main strategies for making these reductions are outlined in a Scoping Plan, which, when completed, will include a range of GHG reduction actions that can include direct regulations, alternative compliance mechanisms, monetary and nonmonetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Pursuant to the requirements of AB 32, the State's reduction in global warming emissions will be accomplished through an enforceable statewide cap on global warming emissions that will be phased in starting in 2012. The Act required ARB to identify a list of "discrete early action GHG reduction measures" by June 30, 2007 (Health and Safety Code, Section 38560(a)). Once on the list, these measures are to be developed into regulatory proposals, adopted by the Board, and made enforceable by January 1, 2010. Additional early action items include a comprehensive framework of regulatory and nonregulatory elements that will result in significant and effective GHG emission reductions.

As immediate progress in reducing GHGs can and should be made, AB 32 directed ARB and the newly created Climate Action Team (CAT) to identify a list of "discrete early action GHG reduction measures" that can be adopted and made enforceable by January 1, 2010. CAT is a consortium of representatives from State agencies who have been charged with coordinating and implementing GHG emission reduction programs that fall outside of ARB's jurisdiction.

AB 32 requires ARB to adopt GHG emission limits and emission reduction measures by January 1, 2011, both of which are to become effective on January 1, 2012. ARB must also evaluate whether to establish a market-based cap-and-trade system. AB 32 does not identify a significance level of GHG for CEQA or National Environmental Policy Act (NEPA) purposes, nor has ARB or the City of Huntington Beach adopted such a significance threshold.

Senate Bill 375 (SB 375) was signed into law on October 1, 2008, which provides emission-reduction goals around which regions can plan, integrating disjointed planning activities and providing incentives for local governments and developers to follow new, conscientiously planned growth patterns.

SB 375 enhances ARB's ability to reach AB 32 goals by directing ARB to develop regional GHG emission reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. ARB will also work with California's 18 metropolitan planning organizations to: align their regional transportation, housing, and LUPs; prepare a "sustainable community strategy" to reduce the number of vehicle miles traveled in their respective regions; and demonstrate the region's ability to attain its GHG reduction targets.

To address GHG emissions and global climate change in General Plans and CEQA documents, Senate Bill 97 (SB 97) (Chapter 185, 2007) requires the Governor's Office of Planning and Research (OPR) to develop CEQA guidelines on how to address global warming emissions and mitigate project-specific GHGs. OPR is required to prepare, develop, and transmit these guidelines on or before July 1, 2009. In the interim, the OPR, in conjunction with ARB, has published a *CEQA and Climate Change Technical Advisory* (June 19, 2008) outlining a recommended approach for evaluating climate change in CEQA documents. The primary requirements of the OPR approach are to conduct a good-faith effort to calculate a proposed Project's GHG emissions, determine significance, and mitigate any impacts to the extent feasible.

GHG emissions are considered for their potential to contribute to global climate change. The short-term emissions are associated with the use of construction equipment during the fixed construction period. Therefore, there will be no ongoing increase in contribution to global warming as a result of construction emissions, and these contributions to cumulative GHG emissions and global climate change are not considered to be significant. The revised Project results in reduced construction GHG emissions compared to the Project evaluated in the Final EIR.

Long-term emissions result from stationary sources as a result of the generation of solid waste, consumption of energy use in the proposed homes, and vehicular emission as a result of the trips generated by the Project. The operational, or long-term, emissions from the revised Project are not "new" emissions compared to the Project evaluated in the Final EIR; rather, GHG emissions are from sources previously identified in the Final EIR. The proposed Project will generate GHG emissions as a result of solid waste generation, energy consumption, off-site electricity generation and on-site natural gas consumption, and vehicular emissions. The proposed Project, as approved in 2002, included 170 dwelling units and approximately 2,040 ADT. This originally-approved development intensity results in the following estimated GHG emissions (using 2009 emissions factors) expressed as CO₂ equivalent:

Solid Waste (long-term): 240 tons per year
Energy Use (long-term): 1,100 tons per year
Vehicular Emissions (long-term): 4,000 tons per year
Other Area Sources (long-term): 330 tons per year
TOTAL: 5,670 tons per year

The proposed Project, as revised since the Final EIR was certified, includes a reduced development footprint, a 35 percent reduction in the number of dwelling units, and an ADT of 1,332. The revised GHG emission (using 2009 emissions factors) compared to the 2002 Project are:

Solid Waste (long-term): 150 tons per year
 Energy Use (long-term): 720 tons per year
 Vehicular Emissions (long-term): 2,600 tons per year
 Other Area Sources (long-term): 200 tons per year
 TOTAL: 3,670 tons per year

As described in Table 3-3 below, the revised Project considered in this Addendum results in approximately 2,000 fewer tons of GHG emissions compared to the Project evaluated in 2002. In addition, the applicant has made voluntary commitments to reduce project-related energy consumption and waste generation (see Appendix C and Section 2.6 of this document). These project commitments would further reduce emissions of GHGs.

Table 3-3: Project Emission Summary / GHG

Source	CO ₂ (tons/year)
Approved Land Uses	
Stationary Sources	1,670
Mobile Sources	4,000
Total Emissions	5,670
Planned Land Uses	
Stationary Sources	1,090
Mobile Sources	2,600
Total Emissions	3,670
Net Change	-2,000

Source: LSA Associates, Inc.

Currently, in the Basin, there are no adopted significance thresholds for GHG emissions from residential or commercial development. The SCAQMD has adopted interim significance thresholds for stationary source emissions. The SCAQMD governing board adopted a threshold of 10,000 metric tons of CO₂-equivalent GHG emissions per year as potentially significant. If the stationary source threshold is applied as a surrogate for non-stationary sources such as residential development, the approved land uses would not exceed this level, even though the Project site is currently undeveloped with negligible emissions associated with farming activities.

The proposed Project changes will not increase an impact previously identified or result in a new adverse impact related to air quality. The changes to the Parkside Estates Project that could have a potential effect on air quality are consistent with the certified Final EIR No. 97-2 regarding Project and cumulative effects to air quality do not require a major change to the certified Final EIR No. 97-2 and will not result in any new significant environmental impacts.

Therefore, the comparison of anticipated environmental effects of the proposed changes to the Parkside Estates Project with the air quality impacts documented in the previously certified EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15126 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

3.4.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to air quality than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.4.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the air quality impacts of the 2008 Project revision would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 8 listed below would still apply to the revised Project.

1. During grading and construction, the applicant shall be responsible for compliance with the following:
 - A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune.
 - B. After clearing, grading, earth moving, or excavation:
 - (1) Wet the area down enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pickup by the wind;
 - (2) Spread soil binder; and
 - (3) Implement street sweeping as necessary.
 - C. During construction:
 - (1) Use water trucks or a sprinkler system to keep all areas where vehicles move damp enough to prevent dust being raised when leaving the site;
 - (2) Wet down areas in the late morning and after work is completed for the day; and;
 - (3) Use low-sulfur fuel (0.05 percent by weight) for construction equipment.
 - D. Phase and schedule construction activities to avoid high-ozone days.
 - E. Discontinue construction during second-stage smog alerts.
2. During grading and construction, the applicant shall be responsible for compliance with the following (or other reasonably equivalent measures as required by the City Engineer):
 - A. Require a phased schedule for construction activities to minimize daily emissions.
 - B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.
 - C. Treat unattended construction areas with water (disturbed lands that have been, or are expected to be, unused for four or more consecutive days).
 - D. Require the planning of vegetative ground cover as soon as possible on construction sites.
 - E. Install vehicle wheel-washers before the roadway entrance at construction sites.
 - F. Wash off trucks leaving the site.
 - G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain minimum freeboards of 2 feet between the top of the load and the top of the truck bed sides.
 - H. Use vegetative stabilization whenever possible to control soil erosion from storm water, especially on super pads.

- I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.
 - J. Control off-road vehicle travel by posting the driving speed limit on these roads, consistent with the City standards.
 - K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.
3. During grading and construction, the applicant shall be responsible for ensuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 miles per hour (mph).
 4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the Project site and the maintenance of the paving.
 5. Prior to issuance of grading permits, the applicant shall be responsible for ensuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.
 6. Prior to issuance of grading permits, the applicant shall be responsible for the incorporation of measures to reduce construction-related traffic congestion into the Project grading permit. Measures, subject to the approval and verification by the Public Works Department, shall include, as appropriate:
 - Provision of rideshare incentives;
 - Provision of transit incentives for construction personnel;
 - Configuration of construction parking to minimize traffic interference;
 - Measures to minimize obstruction of through traffic lanes; and
 - Use of a flagperson to guide traffic when deemed necessary.
 7. Prior to final inspection, the applicant shall provide proof to the City's Traffic Engineer that the Project has contributed its "fair-share" toward regional traffic improvement system (traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by Project development.
 8. Prior to the final inspection, the applicant shall provide proof that the energy savings features have been installed in Project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc.

3.4.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the air quality impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to air quality, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.

- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to air quality that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to air quality requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to air quality identified in and considered by the certified Final EIR No. 97-2.

3.5 NOISE

3.5.1 Existing Environmental Setting

Please see Section 5.5 of certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for noise. Appendix C of Final EIR No. 97-2 includes the noise calculations prepared on the basis of traffic assumptions for the Parkside Estates Project. The site is currently cultivated, and therefore does not generate noise other than occasional farming-related equipment activity and vehicle trips.

The City General Plan, Noise Element, identifies the sound level limit for all residential areas as 65 Community Noise Equivalent Level (CNEL) for outdoor and 45 CNEL for indoor areas. Because the area surrounding the Project site is primarily residential, sensitive receptors are present in the vicinity of the Project site. The principal source of noise on the site is from vehicular traffic on Graham Street and a two-lane commuter road that runs adjacent to the site.

3.5.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.5 of the certified Final EIR No. 97-2 for analyses of the potential noise effects of the Parkside Estates Project. The Final EIR No. 97-2 concluded that the proposed Project would not result in a significant increase in Project-specific traffic noise levels along Graham Street. The increase in existing plus Project traffic noise levels would be approximately 0.8 A-weighted decibels (dBA).

The Final EIR No. 97-2 determined that the Project, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in a significant incremental increase (0.8 dBA) in traffic noise levels in 2020. The Final EIR does not anticipate noise levels in excess of 65 CNEL considering the sound reduction effects of the proposed wall along the northern property line and along Graham Street. Furthermore, the proposed Project, in conjunction with other past, present, and reasonably foreseeable future projects, will not result in short-term cumulative construction noise impacts.

Final EIR No. 97-2 concluded that the Project may result in a potential significant short-term noise impact during exterior and interior construction activities. The Final EIR includes Mitigation Measures 1 and 2, which necessitate approval of the Noise Mitigation Plan and implementation of the feasible noise attenuation features during grading and construction activities.

Lastly, the Final EIR concluded that the Project may result in potential long-term noise impacts. The Final EIR includes Mitigation Measure 3, which requires that constructed sound walls achieve maximum sound attenuation.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.5.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.5.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to Noise include:

- A decrease in the number of residential units from 170 to 111 units;
- A decrease in active/passive park from 8.4 acres to 1.6 acres (a 1.0-acre active park in RL and a 0.6-acre in OS-C)
- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The changes to the Project, including modifications approved by the CCC, that may affect noise effects include the overall reduction in the number of residences. Fifty-nine (59) fewer residences will result in a commensurate reduction in vehicular trips generated by the Project and therefore a reduction in the Project's contribution to vehicular noise on surrounding streets. The reduction in the number of dwelling units to be constructed and the associated reduced amount of fill required will result in an overall activity reduction, thereby reducing construction equipment noise. Mitigation Measures 1 and 2 to reduce construction noise are applicable to the revised Project. However, Mitigation Measure 3 regarding construction of a wall along the northern boundary is no longer applicable and necessary. This mitigation measure was originally proposed because of the size of the active park and the associated noise. As the size of the park is substantially reduced with the revised Project, construction of the wall to block the noise is no longer necessary.

3.5.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to noise than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.5.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the noise impacts of the 2008 Project revisions would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1, 2, and 3b listed below would still apply. However, Mitigation Measure 3a is no longer applicable to the revised Project due to reduction in active park uses. This Mitigation Measure is shown in italics below.

1. Prior to issuance of grading permits, the applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise-sensitive uses. The plan shall comply with the City of Huntington Beach Noise Ordinance and shall include, but not be limited to:
 - A. *A criteria of acceptable noise levels based on type and length of exposure to construction noise levels.*

- B. Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor, and temporary soundproof structures to house portable generators.
 - C. Temporary generators (if utilized) shall be located as far as practical from sensitive noise receptors.
 - D. Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.
2. Prior to issuance of grading permits, the applicant shall produce evidence acceptable to the City Engineer that:
- A. All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state-of-the-art noise attenuation.
 - B. Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors.
 - C. All operations shall comply with the City of Huntington Beach Noise Ordinance.
- 3a. *Prior to issuance of grading permits, the applicant shall provide evidence (specifications) acceptable to the City Engineer that the new walls along the Project's northern property (along the rear property line of lot 103 to 2123 in Kenilworth Drive and the side property lines of lots 3125 on Greenleaf Lane of Tract 5792) will be constructed to achieve maximum sound attenuation.*
- 3b. Prior to issuance of grading permits, the applicant shall provide evidence (specifications) acceptable to the City Engineer that the new walls along Graham Street (along the Project's boundary adjacent to the proposed homes) will be constructed to achieve maximum sound attenuation.

3.5.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the noise impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to noise, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to noise that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to noise requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to noise identified in and considered by the certified Final EIR No. 97-2.

3.6 EARTH RESOURCES

3.6.1 Existing Environmental Setting

Please see section 5.6 of the certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for earth resources. Appendix E of Final EIR No. 97-2 includes the geotechnical assessments conducted in 1997 and 1998 and Phase I Assessment prepared for the proposed Parkside Estates Project. Appendix E also includes the County comments and a memo on the original geotechnical assessment prepared in 1997. The comments were addressed in the revised 1998 study.

The site is flat, located on the Bolsa Gap floodplain, and is rich in native materials represented by Quarterly Alluvium, marsh, and intertidal channel deposits. According to the Final EIR, the Newport-Inglewood Fault Zone is located in the vicinity but does not encroach into the Project site zone. The fault is known to generate the highest on-site ground accelerations, producing moderate to large earthquakes that could affect the site. Due to the geographical location, the Project site is susceptible to tsunami run-up, seiche, and subsidence.

As stated in the Final EIR, 8 site borings and 12 test pits were conducted on the site to determine groundwater levels and soils characteristics. Historically, groundwater was encountered as a seepage at various elevations; however, exploratory borings encountered water generally 6 ft below ground surface (bgs). The 65 cone penetrometer test (CPT) soundings identified potentially liquefiable soils on site in the form of sands and silt.

The Phase I Assessment conducted for the Final EIR revealed that the site is located southeast of the Steverson Bros. Boucher Site, which is under California Environmental Protection Agency (CalEPA) review. The Boucher landfill, which is currently closed, is located off site to the northwest; however, the landfill was determined to pose minimal public risk by the Department of Toxic Substances Control (DTSC). Furthermore, 500 ft northwest of the Project site, Cabo Del Mar condominiums have been developed on the landfill site. The Final EIR states that residual pesticides levels may be present on site due to the previous agricultural uses. In addition, the property is located within Orange County, which is designated as a Radon Zone 3 area (an area where radon gas levels have been estimated to be below 2 picocuries per liter [pCi/L]).

The CCC findings state that the bluff along the western edge of the property is not considered a "coastal bluff." The CCC's staff geologist has evaluated the bluff's status and found that the bluff was carved by the ancestral Santa Ana River as it meandered across the Bolsa Chica lowlands. There is evidence that there were tidal wetlands in the Bolsa Chica lowlands prior to dike construction in the early 20th century, but tidal wetlands generally are not the site of extensive marine erosion. Indeed, they are commonly depositional, not erosional, and serve as an efficient buffer from marine erosion. The staff geologist concludes: "In summary, I believe that the bluff at the Shea Home property is best described as a river bluff and is not a coastal bluff in a genetic or geomorphic sense." Thus, the CCC finds that the bluff on the subject site is not a "coastal bluff" (CCC Adopted Findings, p. 61, Appendix A).

3.6.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.6 of the certified Final EIR No. 97-2 for analysis of the effects of the Parkside Estates Project on existing earth resources. The Final EIR concluded that no active or potentially

active faults exist on the site, and that there would be no impacts associated with the ground surface rupture on the Project site. The Final EIR determined that the potential for tsunamis and seiches is low. As stated in Final EIR No. 97-2, the proposed Project, in conjunction with other past, present, and reasonable foreseeable future projects, will not result in cumulative impacts related to geology/soils.

The Final EIR No. 97-2 concluded that the proposed Project would result in significant settlements of peat deposits within the upper 5 ft, which could continue over the design life of the structures without mitigation in the form of removal and/or surcharge. In addition, a potential exists for significant impacts from the on-site, mildly to severely corrosive soils from soils with poor pavement support characteristics, soils with low shear strength, and potential impacts from soils shrinkage. The Final EIR No. 97-2 includes Mitigation Measures 1 and 2, which require implementation of recommendations contained in Sections 7.0 and 8.0, respectively, of the Geotechnical Study into the earthwork activities.

In addition, Final EIR No. 97-2 concluded that the proposed Project may be potentially susceptible to impacts related to ground shaking, liquefaction, and seismic settlement. Final EIR No. 97-2 incorporates Mitigation Measure 1, which necessitates implementation of Section 7 of the Geotechnical Study recommendations. It also includes Mitigation Measure 3 which requires all structures to be designed in accordance with seismic provisions of the UBC to prevent any impacts associated with ground shaking.

Final EIR No. 97-2 determined that the proposed Project may result in local subsidence of adjacent properties along the Project's northern property boundary due to dewatering and therefore also may result in potential groundwater impacts. Final EIR No. 97-2 incorporates Mitigation Measure 4, which recommends approval of the detailed Dewatering Plan.

As stated in Final EIR No. 97-2, the proposed Project may also result in impacts from hazardous materials. Mitigation Measures 5 and 6 are incorporated in the Final EIR to reduce potential adverse effects to below a level of significance. Mitigation Measures 5 and 6 require completion of the Phase II environmental soil sampling and an estimation of radon gas levels and appropriate "clean up" measures if deemed necessary.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.6.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.6.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to Earth Resources include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The changes to the Project, including modifications approved by the CCC, that may affect earth resources include a reduction in the development footprint, reduction in the number of dwelling units, and reduction in the amount of imported fill required to construct the Project.

The reduction in the number of dwelling units will result in fewer residences that are exposed to potential seismic-, soils-, and hazards-related risks. The reduction in the number of units also potentially reduces the amount of dewatering that will be required, thereby lowering the potential for subsidence impacts. These risks are mitigated to below a level of significance with the measures listed in Section 3.6.5. All six earth resources mitigation measures included in Final EIR No. 97-2 are applicable to the revised Project. Furthermore, the reduction in imported fill required to construct the Project results in reduced change to the topography of the site compared to existing conditions, which does not change any impacts originally identified for earth resources.

3.6.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to earth resources than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.6.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the earth resources impacts of the 2008 Project revision would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 6 listed below would still apply to the revised Project.

1. Prior to issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of this document, shall be incorporated into the earthwork activities of the proposed Project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition; site preparation; unsuitable soil removals; backcuts, excavation processing; compaction of all fills; mixing; benching; inspection; survey control; subgrade preparation; cut and fill slope construction; haul roads; import soils; structural load and settlements/subsidence measures; and storm drain relocation.
2. Prior to the issuance of a building permits, the recommendation contained in Section 8.0 of the geotechnical study, located in Appendix E of this document, shall be incorporated into the structural design of the proposed Project to the satisfaction of the City Engineer. Structural design activities include: foundation design; settlement, including foundation load, and seismically induced settlement; post-tension slab/foundations; mat foundations; other foundation recommendations, such as footing embedment, underslab treatment, and subgrade moisture content; concrete driveways, sidewalk, and flatwork; structural setbacks; retaining walls; other design and construction recommendations, such as lot drainage; utility excavations; utility trench backfill; corrosion, metallic structures; and concrete structures.
3. Prior to issuance of a building permit, it shall be proven to the Department of Public Works that all structures are designed in accordance with the seismic design provisions of the

- Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.
4. Prior to the issuance of grading permits, the applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate groundwater levels during the proposed Project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show groundwater level changes that may affect subsidence of adjacent properties. The dewatering plan shall be reviewed and approved by the Department of Public Works.
 5. Prior to issuance of grading permits, Phase II environmental soils sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels are identified by this analysis, "clean-up" measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works.
 6. Prior to the final inspection, testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning.

3.6.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the earth resources impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to earth resources, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to earth resources that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to earth resources requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to earth resources identified in and considered by the certified Final EIR No. 97-2.

3.7 DRAINAGE/HYDROLOGY

3.7.1 Existing Environmental Setting

Please see Section 5.7 of the certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for drainage and hydrology. Appendix F of Final EIR No. 97-2 includes the Hydrology and Hydraulics Study and the 100-Year Inundation Study prepared for the Parkside Estates Project.

According to the Final EIR, the direction of the drainage on site is from northeast to southwest. The majority of the site is located on a 0.07 percent slope. The Final EIR presents the existing condition runoff for a 100-year storm event for the existing drainage site and Project site. The site is located in Zone A99, which identifies areas protected by the federal flood protection system from a flood having a 1 percent chance of being equaled or exceeded in any given year with no base flood elevation determined. Based on the analysis performed for the Project, the East Garden Grove-Wintersburg Flood Control Channel, located just south of the site, may experience overtopping in the area from Goldenwest Street westerly to Warner Avenue during a 100-year storm event.

The Final EIR states that previous land uses on site were agricultural; therefore, some minimal concentration of the fertilizers and pesticides may be present in the runoff. These pollutants would include particulate solids, nutrients, and oxygen-demanding substances.

The CCC findings state that the approximately 50-ac Project site is currently undeveloped with the exception of farming activities. Under existing conditions, no runoff leaves the site during most rainfall events. The CCC findings also state that the subject site and much of the surrounding area are susceptible to tidal flooding. Tidal flooding could occur when extreme high tides occur concurrently with storm surge events. The worst-case scenario would occur when high tide and storm surge occurs during failure of the levees of the lower reaches of the East Garden Grove-Wintersburg Flood Control Channel (which is possible as the levees are not Federal Emergency Management Agency [FEMA] certified). Under any of these scenarios, up to 170 ac of areas previously developed inland of the site would be flooded. Consequently, contemplation of any development of the subject site must address this flooding issue (CCC Adopted Findings, pp. 48 and 59, Appendix A).

3.7.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.7 of the certified Final EIR No. 97-2 for analysis of the effects of the Parkside Estates Project on existing drainage and hydrology. The Final EIR concluded that the proposed Project may result in potentially significant impacts to the drainage pattern and potential flooding. Mitigation Measure 1 requires the implementation of conditions of the Public Works Department regarding storm drain facilities. In addition, there are conditions related to completion of infrastructure improvements pursuant to FEMA requirements to address potential flooding. The Final EIR also determined that the Project may result in significant impacts related to water quality. Mitigation Measures 2 and 3 require compliance with State NPDES permit requirements, including submittal of the Notice of Intent and fees to the State Water Resources Control Board (SWRCB) and an approval of the Water Quality Management Plan, respectively.

As stated in the Final EIR, the proposed Project, in conjunction with other past, present, and reasonably foreseeable future projects, may also result in drainage, flooding, and water quality impacts. Mitigation Measures 1 through 3 will reduce the impacts to below a significant level.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.7.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.7.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to Drainage/Hydrology include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Provision of additional mechanical treatment of on-site and off-site storm water;
- Implementation of an NTS for storm water treatment;
- Creation of a restored wetlands complex that includes the modified 4 ac restored EPA wetlands, the AP wetland, and associated wetlands buffer (which overlaps the eucalyptus buffer in some areas);
- Inclusion of a VFPP to provide flood control protection (substituting for the sea wall as considered in the Final EIR); and
- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

Flooding

The CCC found that with or without development of the subject site, the inland 170 ac of existing development requires protection from flood hazard. The path that the tidal flooding would follow crosses the subject site. In order to adequately ensure protection of the inland 170 ac of existing development, installation of a flood protection levee (i.e., a VFPP) on the subject site or to the southwest of the subject site (near the Bolsa Chica "Pocket Wetlands" between the East Garden Grove-Wintersburg Flood Control Channel and the Bolsa Chica Mesa) is included in the CCC's suggested modifications. Protection of the inland 170 ac would also protect the approximately 50 ac subject site from flooding. Mitigation Measure 1 from Final EIR remains applicable to the revised Project.

A VFPP was proposed as part of the revised Project (as a substitution for the "sea wall" considered in the Final EIR) to provide protection against flooding from the newly created muted tidal basin to the west of the site. The East Garden Grove-Wintersburg Flood Control Channel is approximately 11 ft above sea level (asl), and the bluff at the western site boundary rises some 40 ft asl. A flood protection levee that closes the gap between these two features could effectively capture tidal floods if it is constructed to an elevation above the expected flood flow. The existing East Garden Grove-Wintersburg Flood Control Channel levee in the area adjacent to the subject site is expected to be reconstructed to meet FEMA certification standards and would have an approximate elevation of 11 ft asl (the existing levee's elevation is also approximately 11 ft asl). If a VFPP were constructed between the bluff and the existing levee to the same elevation, flood waters would be prevented from flooding the subject site as well as the additional 170 inland acres. With or without development of the proposed site, some form of flood protection is warranted to minimize risks to life and property in

areas of high flood hazard, to ensure stability and structural integrity, and to contribute significantly to protection of the surrounding area. The subject site provides an optimum location for the additional flood protection levee necessary to minimize risk to life and property in the 170 developed acres inland of the subject site.

The CCC found that construction of a flood protection levee on the site would be adequate to ensure structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In addition, construction of the flood protection levee would minimize risks to life and property from flood hazard. In order for the additional flood protection levee to function effectively, it would have to be placed within the site's necessary buffer areas. However, as described previously, a flood protection levee in the ESHA or wetland buffer area may be an allowable use within a buffer, provided it is the least environmentally damaging feasible alternative.

Water Quality

The 2002 approved Project relied solely on mechanical water treatment for storm water runoff; however, there was a condition of approval included by the City Council that contemplated the possibility of implementing a natural treatment concept. The revised Project incorporates an NTS that uses vegetated constructed wetland and open water to treat storm water and weather runoff. Storm water will be directed to the mechanical treatment system along the south boundary of the Project site before being discharged to the NTS. The NTS will treat the required equivalent volume of Project runoff, as well as storm runoff from the existing Cabo Del Mar residential Project to the north, and a total of approximately 25 percent of the dry weather flow in the 2,935 ac Slater watershed. The Project water treatment systems will result in a net improvement in storm water quality discharged to the ocean compared to existing conditions. The NTS will also provide additional wetland and upland habitat.

In addition to the NTS, the revised Project includes mechanical treatment of on-site and off-site storm water with Continuous Deflective Separation (CDS) units. The CDS units will remove constituents from off-site and on-site flows. The storm water will then be released to the NTS area, where it will be further filtered by wetland plants and soils before eventual discharge to the Pacific Ocean. The dual approach to storm water treatment will treat Project runoff, and will also treat currently untreated off-site runoff, resulting in a net improvement in storm water quality compared to existing conditions. Mitigation Measures 2 and 3 from the Final EIR remain applicable to the revised Project.

CCC-Suggested Modification No. 10 (refer to Table 2-1, Summary of CCC-Suggested Modifications) includes LCP policy revisions to ensure implementation of Water Quality BMPs to protect water quality.

The CCC found that the subject site represents an opportunity to incorporate an NTS, such as a wetland detention system. There are multiple benefits derived from an NTS, such as pollutant removal, groundwater recharge, habitat creation, and aesthetics. Furthermore, maintenance needs are typically more apparent and less frequent with natural/vegetative treatment systems and thus are more likely to remain effective than mechanical systems, such as storm drain inserts and the like, which can become clogged and otherwise suffer mechanical difficulties. If mechanical treatment control BMPs are not adequately maintained, they will cease to be effective and, consequently, water quality protection would not be maximized.

The CCC also found that incorporating an NTS, such as a wetland detention pond system, is feasible at the site. In order to achieve the goal of not creating new adverse water quality impacts, dry weather flow would need to be retained on site to the maximum extent practicable. The best way to accomplish retention of dry weather flow on site typically is some type of NTS. Furthermore, in order to protect water quality year-round, it is appropriate to impose a standard that any runoff that leaves the site must meet. A generally accepted standard for storm water runoff is a requirement to treat at least the 85th percentile storm event, with at least a 24-hour detention time. If dry weather runoff cannot be retained on site, it should be treated (e.g., detained for at least 48 hours and, where practicable, for 7 days in an NTS) (CCC Adopted Findings, pp. 48–49, Appendix A).

3.7.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to drainage and hydrology than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.7.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the drainage/hydrology impacts of the 2008 Project revision would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 3 listed below would still apply to the revised Project.

1. Prior to issuance of building permits, the Project applicant shall implement conditions of the Public Works department regarding storm drain drainage improvements, which shall include, but not be limited to:
 - Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flow and intercept off-site flows.
 - Ensure that the future building pads are placed at elevations suitable to withstand a 100-year flood.
 - Construct the necessary improvements to the East Garden Grove-Wintersburg Flood Control Channel (C05) along the site perimeter.
2. Prior to issuance of any grading permits, the applicant shall submit a “Notice of Intent,” along with the required fee to the State Water Resources Control Board to be covered under the State National Pollutant Discharge Elimination System (NPDES) General Construction permit and provide the City with a copy of the written reply containing the discharger’s identification numbers.
3. Prior to issuance of the grading permits, the applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the United States Environmental Protection Agency [EPA]) for reviews and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and systems, design and engineering methods, and such other provisions as appropriate.

3.7.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the drainage/hydrology impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to drainage/hydrology, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to drainage/hydrology that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to drainage/hydrology requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to drainage/hydrology identified in and considered by the certified Final EIR No. 97-2.

3.8 BIOLOGICAL RESOURCES

3.8.1 Existing Environmental Setting

Please see Section 5.8 of the certified Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for biological resources. Appendix G of Final EIR No. 97-2 includes the wetland delineation assessment and technical report prepared for the Parkside Estates Project. In addition, numerous supplemental wetlands and biology studies of the site have been performed at the request of CCC staff subsequent to the certification of the EIR in 2002. Two such reports summarize additional information on biological resources: (1) Supplemental Biology Report, Parkside Estates Project, Huntington Beach, California, prepared for Shea Homes by LSA Associates, Inc., December 11, 2003; and (2) Biological Assessment and Alternatives Analysis, East Garden Grove-Wintersburg Channel, Parkside Estates Development Project, prepared for Shea Homes by LSA Associates, Inc., November 11, 2004.

According to the Final EIR, the site exhibits relatively homogenous ruderal vegetative cover, with infrequent herbaceous species in the agricultural field. A portion of the site was historically formed from the upper margin of the Bolsa Chica marshlands; therefore, the site does contain two secluded patches of marshland fragments in the former County Parcel. The site currently does not support a valuable wetland habitat, although the quality of wetland habitat in the former County parcel, which is to be preserved under the 2002 and revised Project, has improved since the Final EIR was certified in 2002.

As stated in the Final EIR, the site habitat supports rodent populations, and trees on and adjacent to the site provide nesting and roosting sites for birds of prey. Therefore, the site may attract resident birds of prey such as red-tailed hawks and owls. In fact, some birds of prey were observed during the site visits.

The Final EIR concluded that the site and its surroundings do not support sensitive invertebrates, fish, amphibians, or reptiles. A number of sensitive bird species might forage in or over agricultural fields and the East Garden Grove-Wintersburg Flood Control Channel, but the site itself could not support and maintain a population of birds. Please refer to the Final EIR and the supplemental LSA 2004 report for the lists of species that may utilize the site. Due to the generally low habitat quality and frequency of human disturbance, the Project site does not support the presence of sensitive mammal species. The site may be utilized by larger, more mobile species (e.g., coyote, fox, bobcat, and raccoon) that may traverse the site. However, there are insufficient resources within the site to induce any of these taxa to remain.

The CCC findings state that the results of the CCC review of the aerial photos and topographic maps indicate that the topography of the site has changed over the years, particularly in the area delineated by the EPA as wetlands in its 1989 publication (generally in the northwest area of the site). Changes are also identified in the area of the former equestrian facility (generally in the southwestern portion of the site between the CP and WP areas). These changes included the unpermitted fill of approximately 0.3 ac of wetland in the CP area, which was not rectified prior to the purchase of the property by Shea Homes. However, at its November 14, 2007, hearing, the CCC found, based on evidence presented, that no wetlands exist in the WP area. This is consistent with the information presented in Final EIR No. 97-2, which did not identify any wetlands in the WP area. The CCC found that a 4 ac portion of the approximately 8 ac area that had been delineated as wetland in 1989 by the EPA should be treated as a wetland for purposes of land use decisions, and that this area should be

restored to wetland functions. The CCC also found that the changes in topography due to farming created a depression of approximately 0.6 ac at the western edge of the agricultural field. This depression, termed the AP, was determined by the CCC to be wetland, which required preservation and a protective buffer.

The CCC findings state that the subject site contains ESHA. In addition to the area that was identified as ESHA in Final EIR No. 97-2, the CCC determined that the trees within both the southern and northern "eucalyptus groves" located within and adjacent to the subject site's western boundary are ESHA due to the important ecosystem functions they provide to a suite of raptor species (CCC Adopted Findings, p. 42, Appendix A).

The CCC's staff ecologist, in a memo dated December 19, 2006, concluded that neither the seasonal gnatcatcher foraging habitat nor the southern tarplant on the subject site meet the Coastal Act definition of ESHA (CCC Adopted Findings, p. 44, Appendix A).

3.8.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.7 of the certified Final EIR No. 97-2 for analysis of the effects of the Parkside Estates Project on existing biological resources. The Final EIR concluded that the proposed Project would not result in impacts to the County parcel pocket wetland habitats with the adoption of Alternative 7 as the preferred Project. Mitigation Measure 2, which required wetland restoration, was initially provided when the County parcel was proposed for development.

Final EIR No. 97-2 also concluded that the proposed Project may result in potential significant impacts during the nesting season to native raptor birds and cumulative impacts to nesting raptor birds. Mitigation Measure 1 requires that a raptor survey be conducted prior to construction activities if they commence during breeding season. The breeding season originally defined as March-July in the Certified 2002 Final EIR was subsequently expanded to February-July by the 2004 LSA studies. Mitigation Measure 1 has been modified consistent with this revision. If raptor nests are found on site, construction activities should be limited to areas 500 ft away from the nest.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.8.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.8.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to biological resources include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac and expands OS-C to 23.1 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- Provision of additional mechanical treatment of on-site and off-site storm water;
- Implementation of an NTS for storm water treatment;

- Expansion of the eucalyptus ESHA designation and creation of a variable ESHA buffer, which includes restricted public access;
- Creation of a restored wetlands complex that includes the modified 4 ac restored EPA wetlands, the AP wetland, and associated wetlands buffer (which overlaps the eucalyptus buffer in some areas);
- Restoration of the portion of the CP wetland where unpermitted fill occurred;
- Inclusion of a VFPP to provide flood control protection (substituting for the sea wall as considered in the Final EIR); and

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The 2002 Project approved by the City incorporated 3.7 ac of OS-C and 0.4 ac of preserved wetland. The revised Project includes 23.1 ac of OS-C, including a 0.6 ac passive park, and 6.2 ac of wetlands, including 4.6 ac of newly restored or created wetlands. In addition, the 2002 approved Project relied solely on mechanical water treatment for storm water runoff. The revised Project incorporates an NTS that reflects natural drainage patterns and uses a vegetated constructed wetland to treat storm water and dry-weather runoff and to provide additional wetland and upland habitat.

CCC-suggested Modification No. 5 is intended to ensure implementation of key Project changes, including:

- Preservation of ESHA;
- Maintenance of ESHA buffers (including a variable buffer for eucalyptus);
- Habitat protection and management;
- Creation of a water quality NTS area at the southern portion of the development; and
- A VFPP.

For example, Suggested Modification No. 5 requires preparation of a Habitat Management Plan for all ESHA, wetland, and buffer areas designated OS-C to provide for their restoration and perpetual conservation and management. Other requirements include a Pest Management Plan that prohibits the use of rodenticides, a Landscape Plan for nonconservation areas that prohibits invasive species and encourages native species, and a Domestic Animal Control Plan to prevent pets from entering the OS-C areas. These management plans are designed to protect and promote native plants and wildlife. Suggested Modification No. 5 also includes standards for wetlands ESHA, the Habitat Management Plan, and protective fencing. Suggested Modification No. 11 furthers the protection offered to ESHA under the Coastal Act by specifying that wetlands or ESHA that were impacted by activities without compliance with the Coastal Act are still subject to the protection afforded by the LUP.

The overall effect of the Project changes, including the suggested modifications, is to increase the on-site area dedicated to OS-C, increase the habitat value of the site, and improve storm water quality. The changes result in an improvement to the biological resource value of the developed site and do not necessitate changes to the conclusion of the Final EIR.

Additionally, the CCC findings state that, in order to be most protective of wetlands, the additional wetland area, beyond what was originally proposed to be designated OS-C, must be recognized and appropriately designated under the LUP Amendment. The protected areas include the AP and expanded CP areas, and a 4 ac portion of the wetland area identified by the EPA in a document published in 1989. The area delineated by the EPA as wetland totaled approximately 8.3 ac. The

applicant and several wetland experts (including the lead author of the wetland study that was utilized by the EPA) argued that the EPA delineation was not based on adequate evidence. In fact, two federal agencies with wetland delineation authority, the Corps and the Natural Resources Conservation Service, later determined that the EPA area was a “prior converted cropland”, not a wetland. In addition, as described in the October 25, 2007, memorandum prepared by the CCC’s staff ecologist, the 8.3 ac figure appears to have been based on observations during a period when construction activities on an adjacent property resulted in a temporary direction of excess off-site drainage onto the subject site. Nevertheless, the CCC, based on the recommendation of the staff ecologist, determined that a reasonable estimate for the size of the wetland before and after the construction is about 4 ac. Long-time farming activities resulted in the loss of the 4 ac EPA wetlands area, as determined by the CCC (and consistent with information presented in EIR No. 97-2). Section 30233 of the Coastal Act requires that loss of wetlands due to fill must be mitigated, and the CCC found that the 4 ac modified EPA wetlands must be restored in place. Therefore, in addition to the AP, an additional 4 ac of restoration on site surrounded by a 100 ft buffer would be required to address the loss of the 4 ac EPA wetlands.

Thus, area that must be preserved on site includes the AP, expanded CP areas (to include restoration of the area filled by the stable operation), modified 4 ac EPA wetlands, ESHA areas, wetlands, and ESHA buffer area. Preservation and/or restoration of the AP, expanded CP, and restored 4 ac EPA wetlands may require supplemental water (CCC Adopted Findings, pp. 35–36, Appendix A).

The CCC found that construction of a flood protection levee within the wetland buffer area, provided it is the least environmentally damaging alternative, would not be incompatible with the continuance of the wetland. The type of flood protection levee to be constructed would be a VFPP (essentially a vegetated earthen berm with an internal sheet pile wall). The VFPP would not be expected to adversely impact the wetland because: (1) there would only be temporary construction-related impacts; (2) once constructed, the VFPP would be planted to provide upland habitat that complements the wetland vegetation; and (3) the VFPP would not require frequent or extensive maintenance once constructed. Thus, intrusions into the buffer would be limited only to those necessary during construction. For these reasons, locating a flood protection levee such as the one described above within the wetland buffer would be consistent with the Coastal Act policies regarding wetlands protection (CCC Adopted Findings, p. 40, Appendix A).

The City originally recognized the eucalyptus grove as sensitive habitat, but only to the extent that it had been previously recommended as ESHA by CDFG, as part of the continuous grove located primarily on the adjacent Hearthsides property. The CCC found that all of the eucalyptus on the Parkside Estates property met its definition of ESHA. The variable-width ESHA buffer includes a water quality NTS as an allowable use within the ESHA buffer area near the southern grove. The CCC found that portions of an NTS would be appropriate within the ESHA buffer because it would occupy only a very small portion of the overall buffer area. Furthermore, the NTS itself will provide some habitat value. The shallow water habitat will increase the variety of habitats within the buffer area. For these reasons, allowing an NTS-type system within the outer ESHA buffer would not be expected to degrade the ESHA and would be compatible with its continuance (CCC Adopted Findings, p. 45, Appendix A).

Additionally, the CCC found it was appropriate to incorporate additional measures into the LUP Amendment for the subject site to ensure that future development adjacent to the wetland and buffer areas and throughout the site does not adversely impact the wetland. For example, restrictions were placed on landscaping to prevent invasive plants within the residential areas from invading the

wetland areas and potentially displacing the wetland plants. In addition, pets from the residential development, if unrestricted, may enter the wetland area, causing disruption. The suggested modifications include a prohibition on invasive plants throughout the site, a requirement for a domestic animal management plan, and fencing along the buffer/development interface as part of the site-specific LUP language. With these modifications, the LUP Amendment was found to be consistent with Section 30250 of the Coastal Act (CCC Adopted Findings, p. 41, Appendix A).

With changes to the ESHA per the suggested modifications, the areas of marginal gnatcatcher habitat and the southern tarplant on site will be retained within the OS-C designation and protected from the development.

3.8.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to biological resources than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.8.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the biological resources impacts of the 2008 Project revisions would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measure 1 listed below would still apply. However, Mitigation Measure 2 is no longer applicable to the revised Project, as there will be no development within the County parcel and is therefore shown in italics below.

1. If Project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (February to July), a survey shall be conducted for active nests. Prior to the issuance of grading permits, should any active nests be located within the zone of potential disturbance, construction activities shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500-foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the nonbreeding season only.
2. *Wetland impacts to the isolated pocket wetlands shall be mitigated at a ratio of 4:1 (square footage of wetlands to square footage of fill). The Coastal Development Permit shall require that mitigation for the fill of the pocket wetlands be implemented prior to the issuance of a grading permit for the County Parcel. The mitigation site shall be on-site or within the Bolsa Chica Lowlands unless the Lowlands are sold to a new landowner and the new landowner is unwilling to allow the proposed mitigation to proceed. In such a case, the developer of the site shall find an alternative mitigation site. The total mitigation for the loss of two small patches of degraded pickleweed habitat shall include the preservation and enhancement of 2 acres of appropriate wildlife habitat per the Department of Fish and Game.*

3.8.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the biological resources impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section

15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to biological resources, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to biological resources that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to biological resources requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to biological resources identified in and considered by the certified Final EIR No. 97-2.

3.9 CULTURAL AND PALEONTOLOGICAL RESOURCES

3.9.1 Existing Environmental Setting

Please see Section 3.9 of the certified 2002 Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for cultural and paleontological resources. Appendix H of Final EIR No. 97-2 includes the "Archaeological Assessment of the SHEA Homes Project Tentative Tract 15377 and Tentative Tract 15419," dated March 1997. This information was updated in 2000 with an additional survey of the Project site as included in Appendix H of Final EIR No. 97-2.

Cultural and paleontological resources on the Project site include a portion of CA-ORA-83/86 on the western margins of the Project site and two smaller and less significant archaeological sites designated CA-ORA-1308 and CA-ORA-1309. The Project site does not contain any recognized or previously recorded paleontological resources. There have been no changes to cultural or paleontological resources on the site since certification of Final EIR No. 97-2.

3.9.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.9 of the certified Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to cultural and paleontological resources. The Final EIR concluded that no historic resources exist on the Project site, and that the Project will not affect historic resources or existing local religious or sacred uses. The Final EIR also concluded that the proposed Project will not result in significant impacts to paleontological resources.

The Final EIR concluded that the proposed Project may result in a significant impact to archaeological sites CA-ORA-1308 and -1309. The status of CA-ORA-1308 and -1309 as archaeological sites could not be confirmed. Final EIR No. 97-2 includes mitigation to require a subsurface test investigation for both sites, a cultural resources management plan based on the test results, and archaeological monitoring. The proposed Project avoids direct impacts to CA-ORA 83/86.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.9.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.9.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to cultural and paleontological resources include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- Expansion of the eucalyptus ESHA designation and creation of a variable ESHA buffer, which includes restricted public access;

- A reduction in the amount of imported fill from approximately 270,000 cy to approximately 225,000 cy.

Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The changes to the Project, including modifications approved by the CCC, that may affect cultural resources include reallocation of land uses, expansion of the buffer area, and increased conservation area. Generally, the increased area subject to preservation rather than development provides greater protection for potential cultural or paleontological resources, although ground disturbance will be required to create the NTS and VFPP. Site CA-ORA-83/86 will still be avoided, and sites CA-ORA-1308 and -1309 will still be subject to testing. Cultural resources Mitigation Measures 1 through 3 apply to the revised Project evaluated in this Addendum, which is consistent with the CCC's LUP action. Therefore, changes to the Project may result in a reduction of impacts to cultural resources, and there are no changes to the conclusions of Final EIR No. 97-2.

The CCC-suggested modifications to the LUP Amendment include a specific requirement to avoid and/or mitigate archaeological impacts. This change provides assurance that the potential for archaeological resources to occur on the site will be recognized in conjunction with future development proposals (CCC Adopted Findings, p. 58, Appendix A).

3.9.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to cultural or paleontological resources than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.9.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the cultural and paleontological resources impacts of the 2008 Project revision would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 3 listed below would still apply to the revised Project.

1. Prior to issuance of a grading permit, the applicant shall conduct a subsurface test investigation for CA-ORA-1308 and -1309 to determine the horizontal boundaries of the site as well as to confirm the surface conclusions of nonsignificance as indicated in the March 1997 Archaeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two 1x1-meter hand-excavated units for straight graphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimates shall be submitted to the Planning Director for review and approval.
2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no

- mitigation measure necessary. The plan shall include consultation with the appropriate Native American organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the California Coastal Commission's Archaeological Guidelines.
3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pregrading meeting/conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the Project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. The archaeological resource surveillance procedure shall include a provision for Native American review of grading operations. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the applicant, the Planning Department, and the appropriate Native American organization. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.

3.9.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the cultural and paleontological resources impacts identified in the previously certified Final EIR supports the required CEQA findings below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to cultural and paleontological resources, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to cultural and paleontological resources that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to cultural and paleontological resources requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to cultural and paleontological resources identified in and considered by the certified Final EIR No. 97-2.

3.10 PUBLIC SERVICES AND UTILITIES

3.10.1 Existing Environmental Setting

Please see Section 3.10 of the certified 2002 Final EIR No. 97-2 for a detailed discussion of the existing environmental setting for public services and utilities. Appendix A of Final EIR No. 97-2 includes the utility and service questionnaires that were sent to utility and service providers.

As stated in the Final EIR, the Project site is serviced by the Huntington Beach Fire Department with respect to fire stations, and the Huntington Beach Police Station, with respect to police stations. The site is serviced by the Ocean View School District, which provides for elementary and middle school facilities, whereas the Huntington Beach Union High School District, provides facilities and services for high schools.

Potable water for domestic, fire, and irrigation service is provided by the City Water Division. Existing sewer is provided by the City and OCSD. According to the Final EIR, the existing sewer line at Graham Street is deficient, and there is a need to provide for a new sewer lift station. The Project site is currently vacant and used for farming. Currently, there is minimal demand for fire, police, and water service, and no demand created by the Project site for school capacity or sewer service.

Natural gas and electricity is provided by Southern California Edison. However, the existing on-site uses do not place a significant demand on these services.

3.10.2 Certified 2002 Final EIR No. 97-2 Impacts

Please see Section 5.10 of the certified Final EIR No. 97-2 for analyses of the potential effects of the Parkside Estates Project to public services and utilities. The Final EIR concluded that the proposed Project may create increased demand for public services and utilities on a local and regional basis. Additionally, the Project, in conjunction with other past, present, and reasonable foreseeable future projects, will create an increased demand on fire, police, schools, community services, water, sewage, natural gas, electrical services, solid waste, telephone, and library.

- **Fire:** Mitigation Measure 1 requires approval of building plans by the fire official.
- **Police:** Mitigation Measures 2 and 3 require consultation with the Police Department regarding the Project safety features and improvements, as well as easy access to and from the Project site for emergency vehicles, respectively.
- **School:** Mitigation Measures 4 and 5 reduce impacts to schools and require provision of school fees, and proof of compliance with the Mitigation Agreement with Huntington Beach Union High School District, subject to approval of the City.
- **Water:** Final EIR No. 97-2 concluded that Mitigation Measures 6 through 15 will reduce potential significant impacts related to provision of water. Mitigation Measure 6 requires submittal of the hydraulic computer water model analysis. Mitigation Measures 7, 8, 9, 10, 14, and 15 implement water conserving features, pervious paving materials, and use of water-efficient irrigation systems and drought-tolerant plants. Mitigation Measure 11 requires consultation with the City Public Works Department regarding the review of water conserving measures. Mitigation Measure 13 requires LAFCO approval of annexation of the County parcel into the City and OCSD.
- **Sewer:** Mitigation Measure 16 requires construction of the new sewer lift station and force main in accordance with the City-approved Sewer Plan.

- **Natural Gas:** Mitigation Measure 17 requires consultation with the designated natural gas provider regarding potential for further energy conservation measures.
- **Electricity:** Mitigation Measure 18 requires consultation with Southern California Edison regarding potential for further energy conservation measures.
- **Telephone:** Building plans must be submitted to General Telephone Company (GTE).
- **Library:** Payment of development fees address increased demand for library services.
- **Solid Waste Disposal:** Mitigation Measures 1 and 2 require approval of the waste reduction programs and use of most efficient and economical means for trash removal, respectively.
- **Natural Resources and Energy:** Compliance with the Title 24 standards is required.

A listing of the Certified EIR mitigation measures and their applicability to the revised Project are included in Section 3.10.5 and in the revised Mitigation Monitoring and Reporting Program (MMRP) in Appendix B.

3.10.3 Project Changes/Impact Analysis

Changes to the Parkside Estates Project addressed in this Addendum include changes to the Project plans to reflect the CCC's suggested modifications to the LUP Amendment. The Project changes related to Public Services and Utilities include:

- A decrease in the number of residential units from 170 to 111 units;
- Commensurate reduction in development area from 37.4 ac to 26.4 ac;
- Increased protection of biological resources;
- Reallocation of land uses (including development area, conservation area, and active and passive parks);
- Provision of additional mechanical treatment of on-site and off-site storm water;
- Implementation of an NTS for storm water treatment;
- Inclusion of a VFPP to provide flood control protection (substituting for the sea wall as considered in the Final EIR); and

The annexation of the County parcel to the OCSD also occurred subsequent to certification of the Final EIR. Thus, the requirements of Mitigation Measure 13 have been satisfied, and there is no change in the conclusion of the Final EIR that this impact is reduced to below a level of significance with implementation of mitigation. Please see Section 2.0 of this Addendum EIR document for more information regarding the Project changes.

The revised Project includes similar public infrastructure improvements to the 2002 approved Project such as levee repair to the East Garden Grove-Wintersburg Flood Control Channel and levee enhancement with the implementation of a VFPP, enlarged storm drains, increased pump capacity at the Slater pump station (or equivalent option), construction of a new lift station and force main for sanitary sewer, and installation of mechanical water treatment (CDS units) for storm water. The revised Project also includes the NTS for storm water treatment. This approach was identified as a possible BMP solution by the 2002 City Council-approved Conditions of Approval.

The changes to the Project, including modifications approved by the CCC, that may affect public services and utilities include a reduction in the number of dwelling units and the provision of additional natural treatment of on-site and off-site storm water. The reduction in the number of

allowed residences will reduce the increase in demand for utilities and services, such as water, sewer, and police services.

However, in terms of Project demand on schools, although there would be a reduction of 35 percent in residential units, the total number of students potentially generated by the Project could increase by 4 percent. This is due to the fact that the Ocean View School District has doubled their student generation factor for elementary school since 2002. The student generation factors have increased from 0.329 to 0.66 for elementary school and from 0.089 to 0.12 for middle school. As a result of this change, the proposed Project could generate a total of 73 elementary students (compared to 56 students for the 2002 approved Project). Despite the increase in the middle school generation factor, the Project would generate fewer middle school students (i.e., 13) compared to the 2002 approved Project (i.e., 15), as a result of the decrease in units. The Huntington Beach Union High School District generation factor of 0.20 has not changed since 2002. With the reduction in Project size, 12 less high school students are projected (22 compared to 34). The increase of 17 elementary school students due to an increase in the student generation factor and an overall increase of three students (108 compared to 105) is not a significant impact. Worth noting, the Ocean View School District has been experiencing declining enrollment and expects that to continue. Potential impacts associated with new students will be adequately mitigated as the school mitigation measures listed below would still apply.

In terms of other public services and utilities, despite the reduction in demand, all mitigation measures summarized above and listed in Section 3.10.5 remain applicable to the Project.

3.10.4 Cumulative Impacts

Based on the foregoing analysis and information, there is no evidence that Project changes would result in more substantial or new significant cumulative impacts to public services and utilities than those cumulative impacts identified and analyzed in the certified Final EIR No. 97-2.

3.10.5 Standard City Policies and Mitigation Measures

Based on the analysis above, the public services and utilities impacts of the 2008 Project revision would remain the same or be reduced from those identified in the Certified Final EIR. However, the standard City policies and requirements identified in the Final EIR would still apply to the revised Project. Mitigation Measures 1 through 18 listed below would still apply to the revised Project. However, Mitigation Measure 13 has been satisfied and therefore is shown in italics below.

Fire

1. Prior to approval of building permits, building plans shall be submitted to and approved by the Fire Department. If, during the Fire Department's plan check, it becomes evident that fire ground operations will become impeded, the Department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc.

Police

2. Prior to issuance of building permits, the Police Department shall be consulted during the preliminary stages of the Project design to review the safety features, determine their adequacy, and suggest improvement.

3. During construction and at complete build out, the Project shall provide easy access into and within the Project site for emergency vehicles, and addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, Project site plans depicting these requirements shall be reviewed and approved by the Police Department.

Schools

4. Prior to issuance of building permits, the applicant shall provide fees to mitigate conditions of overcrowding as part of the building permit application. These fees shall be based on the State fee schedule in effect at the time of building permit applications.
5. Prior to issuance of building permits, the applicant shall show proof of compliance with the Mitigation Agreement established with the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach.

Water

6. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following:
 - A. Water demand required by Project (fire flow demand by the Fire Department)
 - B. Master Plan/General Plan Amendment (GPA) review. The City of Huntington Beach Water (Master Plan) System Computer Model (i.e., H2OBoyleNET) must be run with the proposed land use demands (i.e., GPA), and contrasted with the model run using the existing land use demands (i.e., General Plan in effect at the time the Water Master Plan was adopted). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET) for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that Project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the Project at no cost to the City.
7. Prior to final inspection, the following water conservation measures shall be implemented as required by State law:
 - A. Ultra-low-flush toilets
 - B. Ultra-low-flow showers and faucets
 - C. Insulation of hot water lines in water recirculating systems
 - D. Compliance with water conservation provisions of the appropriate plumbing code
8. Prior to final inspection, water pressure regulators to limit downstream pressure to a maximum of 60 pounds per square inch (psi) shall be installed.
9. Prior to issuance of building permits, pervious paving materials shall be used whenever feasible to reduce the surface water runoff and aid in groundwater recharge, and slopes and grades shall be controlled to discourage water waste through runoff.
10. Prior to final inspection, the applicant shall provide information to prospective residents regarding benefits of low-water-use landscaping and sources of additional assistance in selecting irrigation and landscaping.

11. The Water Division and Park, Tree, and Landscape Division of the City's Public Works Department shall be consulted during design and construction of the Park for further water conservation measures to review irrigation designs and drought-tolerant plant use, as well as measures that may be incorporated into the Project to reduce peak-hour water demand.
12. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the portion of the Project to be developed on the County parcel, which addresses the following:
 - A. Water demand required by Project (fire flow demand by the Fire Department)
 - B. Master Plan/GPA review. The City of Huntington Beach Water (Master Plan) System Computer Model (i.e., H2OBoyleNET) must be run with the proposed land use demands (i.e., GPA), and contrasted with the model run using the existing land use demands (i.e., General Plan in effect at the time the Water Master Plan was adopted). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that Project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the Project at no cost to the City. Any incremental impacts to the City's water system would need to be mitigated to the satisfaction of the Department of Public Works – Water Division.
13. *Prior to the issuance of building permits, for any lot within the 4.5-acre parcel within the County of Orange, the applicant shall show proof from Local Agency Formation Commission (LAFCO) of approval of annexation of the County parcels to the City of Huntington Beach and the Orange County Sanitation District subject to the approval of the City Planning and Public Works Departments.*
14. Irrigation systems within the Park that minimize water waste shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features:
 - A. Raised planters and berming in conjunction with closely spaced, low-volume, low-angle (22.5-degree) sprinkler heads.
 - B. Drip irrigation.
 - C. Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses.
 - D. The use of reclaimed water for irrigated areas and grass lands. The Project Applicants shall connect to the Orange County Water District "Green Acres" system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition.
15. Landscape and irrigation plans for the Park that encourage minimized use of lawns and utilize warm-season, drought-tolerant species shall be submitted to and approved by the Water Division and Park, Tree, and Landscape Division.

Sewer

16. Prior to the issuance of building permits, the property owner (Shea Homes) shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for

the proposed Project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands.

Natural Gas

17. Prior to issuance of building permits, the Southern California Gas Company or designated natural gas provider shall be consulted during the building design phase for further energy conservation measures.

Electricity

18. Prior to issuance of building permits, Southern California Edison shall be consulted with during the building design phase for further energy conservation measures.

3.10.6 Conclusion

The comparison of anticipated environmental effects of the proposed changes to the Parkside Estates 2002 Project with the public services and utilities impacts identified in the previously certified Final EIR supports the required CEQA findings in listed below. Specifically, none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would require preparation of a subsequent EIR have been met.

- The revised Project would not result in new significant environmental impacts to public services and utilities, nor is there a substantial increase in the severity of impacts to aesthetics/light and glare from that described in the certified Final EIR No. 97-2.
- There is no information in the record or otherwise available that indicates there are substantial changes in circumstances pertaining to public services and utilities that would require major changes to the certified Final EIR No. 97-2.
- There is no substantial new information that there would be a new significant impact to public services and utilities requiring major revisions of the certified Final EIR No. 97-2.
- There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to public services and utilities identified in and considered by the certified Final EIR No. 97-2.

APPENDIX A
CCC-ADOPTED FINDINGS AND CERTIFICATION LETTER

CALIFORNIA COASTAL COMMISSION

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



August 18, 2008

City of Huntington Beach

AUG 20 2008

Scott Hess
Director of Planning
2000 Main Street
Huntington Beach, CA 92648

Re: Effective Certification of City of Huntington Beach Local Coastal Program Land Use Plan Amendment No. 1-06 (Parkside)

Dear Mr. Hess:

We are pleased to notify you that on August 7, 2008, the Commission concurred with the Executive Director's determination that the action of the City of Huntington Beach accepting certification of Local Coastal Program Land Use Plan (LCP) Amendment No. 1-06 with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(v).

City of Huntington Beach LCP Amendment No. 1-06 was submitted for Commission certification pursuant to City Council Resolution No. 2002-123. Huntington Beach LCPA 1-06 establishes land use designations for: a forty acre area that was previously deferred certification, a five acre adjacent area that was annexed by the City in 2004, and, an adjacent five acre, previously certified area. Land use designations approved for the site are Open Space – Conservation and Residential.

On November 14, 2007, the Commission approved LCP Amendment No. 1-06 with suggested modifications. On June 16, 2008, the Huntington Beach City Council adopted Resolution No. 2008-31, acknowledging receipt of the Coastal Commission Action and accepting and agreeing to Local Coastal Program Amendment No. 1-06 as modified. Also on June 16, 2008, the Huntington Beach City Council adopted Resolution No. 2008-32 amending the Local Coastal Program by amending the Coastal Element. On August 7, 2008, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 1-06. If you have any questions, please contact Meg Vaughn at our Long Beach office (562) 590-5071.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Henry".

Teresa Henry
District Manager

cc: Mary Beth Broeren, Principal Planner

CALIFORNIA COASTAL COMMISSION

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



May 20, 2008

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director, South Coast District, Orange County
Teresa Henry, Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: **ADOPTED FINDINGS for Major Amendment Request No. 1-06** (Shea Homes/Parkside) to the City of Huntington Beach Certified Local Coastal Program Land Use Plan (Pursuant to Commission action at the Public Hearing on the May 7, 2008 meeting in Marina del Rey reflecting the Commission's action at the November 14, 2007 hearing).

SUMMARY OF HUNTINGTON BEACH LCP AMENDMENT REQUEST NO. 1-06

Request by the City of Huntington Beach to amend the Land Use Plan (LUP) portion of the Local Coastal Program (LCP). The proposed Local Coastal Program (LCP) amendment is a project-specific amendment designed to make possible a low density residential development on a vacant, approximately 50-acre site comprising two legal lots, most of which is currently in agricultural production. Of the total project area, approximately 45 acres have long been located within the City of Huntington Beach. The remaining 5 acres were, until 2004, located within unincorporated County of Orange jurisdiction, within the Bolsa Chica LCP area. However, with the recent annexation, the entire site is within the City of Huntington Beach. Of the 45 acre portion of the site, approximately 40 acres were deferred certification at the time the City's overall Local Coastal Program was certified and remains uncertified today. This LCP amendment would incorporate that 40 acres and the newly annexed area into the City's existing LCP and establish land use and zoning designations for those areas. The remaining five acre portion of the 45 acre area was certified at the time the City's overall LCP was certified as Open Space – Park (OS-P). The 40 acre area was originally deferred certification due in part to wetland issues.

The City's current amendment requests designation of approximately 38.5 acres as RL-7 (Low Density Residential – maximum 7 units per acre), approximately 8.2 acres as OS-P (Open Space – Park), and approximately 3.3 acres as OS-C (Open Space – Conservation).

SUMMARY OF COMMISSION ACTION

At the Commission hearing of November 14, 2007 the Commission reviewed the City of Huntington Beach Local Coastal Program Amendment 1-06. The Commission **approved with revised suggested modifications** the City's request to amend the LCP Land Use Plan as requested. At the Commission hearing of May 7, 2008 the Commission adopted Revised Findings with changes to the original staff recommended revised findings. The final version of the suggested modifications and findings adopted by the Commission at

the May 7, 2008 hearing, which reflect the Commission's November 14, 2007 action on the LCPA, are contained in these adopted findings.

At the November 14, 2007 hearing, public testimony and Commission discussion included concerns regarding the extent of wetland on site, the appropriate distance for ESHA buffer areas and appropriate uses allowed within ESHA buffer areas. The Commission found that the area referred to as the Wintersburg Pond (WP) was not wet enough to develop a preponderance of wetland vegetation or wetland soils; that the area known as the EPA wetland was wet enough to support a preponderance of wetland vegetation or soils in 1996 and that any changes in local hydrology that may have taken place since that time were unpermitted; a variable width buffer distance would be adequate to protect the eucalyptus grove ESHA; and that areas referred to as "intermingled areas" found between the areas identified as wetland, ESHA, and buffer areas should not be designated Open Space - Conservation.

The changes made by the Commission at the hearing are manifested in the staff report primarily through changes to Exhibit NN (now 4th revised) in that the areas of the site to be designated Open Space – Conservation and the areas to be designated as the development envelope (which allows either active park or residential development) have changed. In addition, the changes made by the Commission at the hearing result in changes to the suggested modification regarding the width of the ESHA buffer area and uses allowed within that buffer area. Also, there are changes to the wetland findings supporting the Commission's determination that the WP area is not a wetland and to eliminate the discussion on the intermingled areas. Finally, changes are made in the ESHA findings to support the variable width ESHA buffer rather than the 100 meter ESHA buffer, and to allow a portion of a water quality Natural Treatment System as an allowable use within a portion of the outer ESHA buffer subject to restrictions.

COMMISSION VOTE: The Commissioners voting on the prevailing side were: **Burke, Clark, Hueso, Secord, Neely, Potter, Reilly, and Chair Kruer.**

STANDARD OF REVIEW

For the proposed Land Use Plan amendment, the standard of review is conformance with and satisfaction of the requirements of the Chapter 3 policies of the Coastal Act.

SUMMARY OF PAST ACTIONS ON THIS LCPA

At the May 2007 hearing in San Pedro, after presentations by staff, the applicant, and public testimony, the Commission voted to deny the subject Land Use Plan amendment, as submitted. A motion (i.e. the main motion) was made to approve the Land Use Plan amendment with modifications, but, upon deliberation, the hearing was continued. The LCPA was subsequently scheduled for Commission action at its July 9-13, 2007 hearing.

The LCP amendment originally proposed changes to both the Land Use Plan (LUP) and the Implementation Plan (IP). On July 3, 2007, the City withdrew the IP portion of the LCPA. The Commission recognized the withdrawal of the IP amendment at its July 11, 2007 hearing. Also at its July 11, 2007 hearing, the Commission postponed action on suggested modifications for the LUP portion of the LCPA. At the November 14, 2007 hearing, the Commission approved the proposed LUP amendment with suggested modifications as revised at that hearing. At the May 7, 2008 hearing the Commission adopted the revised findings with changes. Those changes are reflected herein.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission. Prior to submittal of the LCPA to the Commission, the City held numerous public hearings on the proposed LCP amendment as shown on exhibit D.

All City staff reports were made available for public review in the Planning Department and in the Huntington Beach Public Library. Public hearing notices were mailed to property owners of record for the parcels that are the subject of the amendment as well as parcels within a 1,000 foot radius (including occupants), and notice of the public hearing was published in the Huntington Beach Independent, a local newspaper of general circulation.

ADDITIONAL INFORMATION

Copies of the staff report are available online on the Coastal Commission's website at www.coastal.ca.gov or at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071. The City of Huntington Beach contact for this LCP amendment is Scott Hess, Director of Planning, who can be reached at (714) 536-5271.

I. RESOLUTION

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment No. 1-06 for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. SUGGESTED MODIFICATIONS

Certification of City of Huntington Beach LCP Amendment Request No. 1-06 is subject to the following modifications.

The City's existing language is shown in plain text.

The City's proposed additions are shown in **bold text**.

The City's proposed deletions are shown in ~~plain text, strike out~~.

The Commission staff's original (November 2007) suggested additions are shown in ***bold, italic, underlined text***.

The Commission staff's original (November 2007) suggested deletions are shown in ***bold, italic, underlined, strike out text***.

Additions to the November 2007 staff recommendation made by the Commission at the public hearing are shown in ***bold, italic, double underlined text***.

Deletions to the November 2007 staff recommendation made by the Commission at the public hearing are shown in ***bold, italic, double underlined, double strike out text***.

Staff Note: Three corrections are made where, due to typos, existing certified LUP language was left out. The corrections are: 1) replacing the word "residential" in suggested modification No. 1, 2) replacing the sub-section "Public" in the table in suggested modification No. 2, and, 3) inserting the hyphen in the land use category titles

Open Space – Conservation and Open Space – Parks throughout.

LAND USE PLAN SUGGESTED MODIFICATIONS:

SUGGESTED MODIFICATION NO. 1

Sub-Area Descriptions and Land Use Plan

The City's certified and proposed Land Use Plan (LUP) language, on page IV-C-11, under the heading: Zone 2 – Bolsa Chica, shall be modified as follows:

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)
The majority of Zone 2, the Bolsa Chica, is located outside the City's corporate boundary, within the County of Orange. The area is in the City's Sphere of Influence ... A ~~44~~ **50** acre area between ~~Los Patos~~ ***the residential development along Kenilworth Drive*** and the ***East Garden Grove*** Wintersburg Flood Control Channel ***is vacant and*** includes a small section of the Bolsa Chica bluffs.

Coastal (Seaward of Pacific Coast Highway)

...

Coastal Element Land Use Plan

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

The Coastal Element does not present a land use plan for the Bolsa Chica. The land area north of the Bolsa Chica, within the City's corporate and Coastal Zone boundaries, is built out consistent with its Coastal Element designation of low density ***residential***. The area west of the Bolsa Chica is also developed consistent with the Coastal Element Land Use designation of low density residential and multi-family residential. ~~The vacant 44-acre area next to the Wintersburg Flood Control Channel retains its existing designation as an "Area of Deferred Certification." Prior to development of the site, an amendment to the City's Local Coastal Program will be required, subject to Coastal Commission approval; the amendment would take effect upon Commission certification. Portions of this zone are included in the Community District/Sub-area Schedule as sub-areas 4G and 4J. ***The Coastal Element land use designation for the vacant 45-acre area next to the East Garden Grove Wintersburg Flood Control Channel was recently certified as RL-7 (Low Density Residential) and OS-P (Open Space – Park). In addition, approximately 5 acres of land was annexed from the County of Orange into the City of Huntington Beach. This area is designated RL-7 (Low Density Residential) and OS-C (Open Space – Conservation).***~~

The fifty (50) acre area (including the 5 acre area annexed by the City in 2004) adjacent to and immediately north of the East Garden Grove/Wintersburg Flood Control Channel and adjacent to and immediately west of Graham Street is land use designated Residential and Open Space – Conservation. (See Figure C-6a)

There are wetlands, a Eucalyptus Grove that is an Environmentally Sensitive Habitat Area because it provides important raptor habitat, and buffer areas, and ~~intermingled raptor foraging habitat~~ at this site. These areas are designated Open Space – Conservation.

The Wintersburg Channel Bikeway is identified at this site on the north levee of the flood control channel in the Commuter Bikeways Strategic Plan, which is the regional bikeways plan for Orange County (See page IV-C-49 and figure C-14).

SUGGESTED MODIFICATION No. 2

The table titled Zone 2 – Land Use Designations, on page IV-C-11, shall be modified as follows:

Zone 2 – Land Use Designations	
Residential	RL- Z or RM or RH
Open Space	OS-P OS-S OS-C
<u>Public</u>	<u>P</u>
“White Hole”	Area of Deferred Certification
Zone 2 – Specific Plan Areas	
None	
Zone 2 – General Plan Overlays	
4G, 4J, 4K	

SUGGESTED MODIFICATION NO. 3

Figure C-6 of the City’s Land Use Plan shall be modified to reflect the change in the City’s corporate boundary and to accurately reflect the correct areas of the certified land use designations (Residential and Open Space Conservation) for the area.

SUGGESTED MODIFICATION NO. 4

New Figure C-6a shall be added to the City’s Land Use Plan, which shall be a land use plan of the Parkside site and shall depict the approved land use designations on the site as shown on 3rd 4th revised exhibit NN.

SUGGESTED MODIFICATION NO. 5

Add new subarea 4-K to table C-2 (Community District and Subarea Schedule) as depicted below:

<u>Subarea</u>	<u>Characteristic</u>	<u>Standards and Principles</u>
<u>4-K</u>	<u>Permitted Uses</u>	<p><u>Categories: Residential (R-L or R-M)</u> <u>Open Space Conservation (OS-C)</u></p> <p><u>See Figure C-6a</u></p>
	<u>Density/Intensity</u>	<p><u>Residential</u> <u>Maximum of fifteen (15) dwelling units per acre.</u></p>
	<u>Design and Development</u>	<p><u>See Figure C-6a</u></p> <p><u>A development plan for this area shall concentrate and cluster residential units in the northeastern portion of the site and include, consistent with the land use designations and Coastal Element policies, the following required information (all required information must be prepared or updated no more than one year prior to submittal of a coastal development permit application):</u></p> <p><u>1. A Public Access Plan, including, but not limited to the following features:</u></p> <ul style="list-style-type: none"> <u>❖ Class I Bikeway (paved off-road bikeway; for use by bicyclists, walkers, joggers, roller skaters, and strollers) along the north levee of the flood control channel. If a wall between residential development and the Bikeway is allowed it shall include design features such as landscaped screening, non-linear footprint, decorative design elements and/or other features to soften the visual impact as viewed from the Bikeway.</u> <u>❖ Public vista point with views toward the Bolsa Chica and ocean consistent with Coastal Element policies C 4.1.3, C 4.2.1, and C 4.2.3.</u> <u>❖ All streets shall be ungated, public streets available to the general public for parking, vehicular, pedestrian, and bicycle access.</u>

		<p><u>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.</u></p> <ul style="list-style-type: none">❖ <u>Public access trails to the Class I Bikeway, open space and to and within the subdivision, connecting with trails to the Bolsa Chica area and beach beyond.</u>❖ <u>Public access signage.</u>❖ <u>When privacy walls associated with residential development are located adjacent to public areas they shall be placed on the private property, and visual impacts created by the walls shall be minimized through measures such as open fencing/wall design, landscaped screening, use of an undulating or off-set wall footprint, or decorative wall features (such as artistic imprints, etc.), or a combination of these measures</u> <p><u>2. Habitat Management Plan for all ESHA, wetland, and buffer areas and other areas designated Open Space-Conservation that provides for their restoration and perpetual conservation and management. Issues to be addressed include, but are not limited to, methods to assure continuance of a water source to feed all wetland areas, enhancement of habitats and required buffer areas, restoration and enhancement of wetlands and environmentally sensitive habitats and required buffer areas, and fuel modification requirements to address fire hazard and avoid disruption of habitat values in buffers.</u></p> <p><u>3. Archaeological Research Design consistent with Policies C5.1.1, C5.1.2, C5.1.3, C5.1.4, and C5.1.5 of this Coastal Element.</u></p> <p><u>4. Water Quality Management Program consistent with the Water and Marine Resources policies of this Coastal Element. If development of the parcel creates</u></p>
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significant amounts of directly connected impervious surface (more than 10%) or increases the volume and velocity of runoff from the site to adjacent coastal waters, the development shall include a treatment control BMP or suite of BMPs that will eliminate, or minimize to the maximum extent practicable, dry weather flow generated by site development to adjacent coastal waters and treat runoff from at least the 85th percentile storm event based on the design criteria of the California Association of Stormwater Agencies (CASQA) BMP handbooks, with at least a 24 hour detention time. Natural Treatment Systems such as wetland detention systems are preferred since they provide additional habitat benefits, reliability and aesthetic values.

5. Pest Management Plan 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.

6. Landscape Plan for non-Open Space Conservation areas that prohibits the planting, naturalization, or persistence of invasive plants, and encourages low-water use plants, and plants primarily native to coastal Orange County.

7. Biological Assessment of the entire site.

8. Wetland delineation of the entire site.

9. Domestic animal control plan that details methods to be used to prevent pets from entering the Open Space-Conservation areas. Methods to be used include, but are not limited to, appropriate fencing and barrier plantings.

10. Hazard Mitigation and Flood Protection Plan, including but not limited to, the following features:

- ❖ Demonstration that site hazards including flood and liquefaction hazards are mitigated;

- ❖ Minimization/mitigation of flood hazard shall include the placement of a FEMA-certifiable, vegetated flood protection levee that achieves hazard mitigation goals and is the most protective of coastal resources including wetland and ESHA;
- ❖ Assurance of the continuance, restoration and enhancement of the wetlands and ESHA.

Residential:

Residential development, including appurtenant development such as roads and private open space, is not allowed within any wetland, ESHA, or required buffer areas and area designated Open Space-Conservation.

Uses consistent with the Open Space-Parks designation are allowed in the residential area.

All development shall assure the continuance of the habitat value and function of preserved and restored wetlands and environmentally sensitive habitat areas within the area designated Open Space-Conservation.

Open Space-Conservation:

A. Wetlands:

Only those uses described in Coastal Element Policy C 6.1.20 shall be allowed within existing and restored wetlands.

All development shall assure the continuance of the habitat value and function of wetlands.

Wetland Buffer Area:

A buffer area is required along the perimeter of wetlands to provide a separation between development impacts and habitat areas and to function as transitional habitat. The buffer shall be of sufficient size to ensure the biological integrity and preservation of the wetland the buffer is designed to protect.

A minimum buffer width of 100 feet shall be established.

Uses allowed within the wetland buffer are limited to:

- 1) those uses allowed within wetlands per Coastal Element Policy C 6.1.20;**
- 2) a vegetated flood protection levee is a potential allowable use if, due to siting and design constraints, location in the wetland buffer is unavoidable, and the levee is the most protective of coastal resources including wetland and ESHA;**
- 3) No active park uses (e.g. tot lots, playing fields, picnic tables, bike paths, etc.) shall be allowed within 100 feet of wetlands preserved in the Open Space Conservation area.**

**B. Environmentally Sensitive Habitat Areas:
Only uses dependent on the resource shall be allowed.**

**Environmentally Sensitive Habitat Areas (ESHA)
Buffer Areas:**

A variable width buffer area is required along the perimeter of the ESHA and is required to be of sufficient size to ensure the biological integrity and preservation of the ESHA the buffer is designed to protect.

A minimum buffer width of ~~100 meters (328 feet)~~ 297 to 650 feet shall be established between all residential development or active park use and raptor habitat within the eucalyptus groves.

Uses allowed within the ESHA buffer are limited to:

- 1) uses dependent on the resource;**
- 2) wetland and upland habitat restoration and management;**
- 3) vegetated flood protection levee that is the most protective of coastal resources including wetland and ESHA;**

4) within the northern grove ESHA buffer only – passive park use may be allowed if it is more than 150 feet from the ESHA, but only when it is outside all wetland and wetland buffer areas, and does not include any uses that would be disruptive to the ESHA. Uses allowed within the passive park areas shall be limited to:

- a) nature trails and benches for passive recreation, education, and nature study;
- b) habitat enhancement, restoration, creation and management.

5) within the southern grove ESHA buffer only - a water quality Natural Treatment System may be allowed so long as it is located in an area that is most protective of coastal resources and at least 246 feet from the ESHA.

56) In addition to the 100-meter required ESHA buffer described above, grading shall be prohibited within 500 feet of an occupied raptor nest during the breeding season (considered to be from February 15 through August 31);

C. Other Areas Designated Open Space Conservation

Uses allowed within areas designated Open Space Conservation other than wetland and ESHA areas and their buffers are limited to:

- 1. Water Quality Natural Treatment System;
- 2. Passive recreational uses such as trails and benches for education and nature study;
- 3. Habitat enhancement, restoration, creation and management.

D.C. Habitat Management Plan shall be prepared for all areas designated Open Space-Conservation which shall include restoration and enhancement of delineated wetlands, wetland and habitat mitigation, and establishment of appropriate buffers from development.

E.

		<p><u>D. Protective Fencing: Protective fencing or barriers shall be installed along any interface with developed areas, to deter human and pet entrance into all restored and preserved wetland and ESHA buffer areas.</u></p>
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SUGGESTED MODIFICATION No. 6

On page IV-C-60 and IV-C-61, under the heading Visual Resources, The Bolsa Chica Mesas, revise to include visual resources within Parkside area as follows:

The northwestern side of the Bolsa Chica Ecological Reserve includes bluffs that rise to an upland area known as the Bolsa Chica Mesa. These bluffs are primarily under the County's jurisdiction (only a small part of the bluff lies in the City) but are within the City's Sphere of Influence for potential future annexation. The mesas constitute a significant scenic resource within the City's coastal Zone. **The 50 acre site (located west of and adjacent to Graham Street and north of and adjacent to the East Garden Grove Wintersburg Orange County flood Control Channel) known as the "Parkside" site affords an excellent opportunity to provide a public vista point. A public vista point in this location would provide excellent public views toward the Bolsa Chica and ocean. Use of the public vista point will be enhanced with construction of the Class I bike path along the flood control channel and public trails throughout the Parkside site.**

SUGGESTED MODIFICATION NO. 7

On page IV-C-70 add the following language in the first paragraph under the heading Environmentally Sensitive Habitats, to include reference to the wetland and Eucalyptus ESHA on the Parkside site:

... The City's Coastal Element identifies **two three** "environmentally sensitive habitat areas" within the City: 1) the Huntington Beach wetland areas, and 2) the California least tern nesting sanctuary, **and 3) the wetlands and Eucalyptus ESHA on the Parkside site.** (See Figure C-21 **for location of No. 1 and 2.**) The Coastal Element includes policies to protect and enhance environmentally sensitive habitat areas in accordance with the Coastal Act.

Also, on page IV-C-72 add the following new section describing the Eucalyptus ESHA and wetlands on the Parkside site, after the paragraph titled California Least Tern Nesting Sanctuary:

Parkside Eucalyptus ESHA and Wetlands (See Figure C 6a)

Historically, this site was part of the extensive Bolsa Chica Wetlands system and was part of the Santa Ana River/Bolsa Chica complex. In the late 1890s the Bolsa Chica Gun Club completed a dam with tide gates, which eliminated tidal influence, separating fresh water from salt water. In the 1930s, agricultural ditches began to limit fresh water on the site, and in 1959, the East Garden Grove-Wintersburg Flood Control Channel isolated the site hydrologically. Nevertheless, wetland areas remain present at the site. There are existing and previously delineated wetlands, and areas that have been filled without authorization and are capable of being restored. These areas as well as their buffer areas are designated Open Space-Conservation, and uses allowed within these areas are limited.

In addition, on the site's southwestern boundary, at the base of the bluff, is a line of Eucalyptus trees that continues offsite to the west. These trees are used by raptors for nesting, roosting, and as a base from which to forage. The trees within this "eucalyptus grove" within or adjacent to the subject site's western boundary constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. The Eucalyptus trees along the southern edge of the Bolsa Chica mesa are used for perching, roosting, or nesting by at least 12 of the 17 species of raptors that are known to occur at Bolsa Chica. Although it is known as the "eucalyptus grove", it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA by multiple agencies since the late 1970's (USFWS, 1979; CDFG 1982, 1985) not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. Some of the raptors known to use the grove include the white tailed kite, sharp-shinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food. These Eucalyptus trees were recognized as ESHA by the Coastal Commission prior to its 2006 certification of this section of this LCP, most recently in the context of the Coastal Commission's approval of the adjacent Brightwater development (coastal development permit 5-05-020).

The Eucalyptus grove in the northwest corner of the site, although separated from the rest of the trees by a gap of about 650 feet, provides the same types of ecological functions ~~services~~ as do the rest of the trees bordering the mesa. At least ten species of raptors have been observed in this grove and Cooper's hawks, a California Species of Special Concern, nested there in 2005 and 2006. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors, these trees also constitute ESHA. These areas as well as their buffer areas ~~and intermingled foraging areas~~ are designated Open Space-Conservation, and uses allowed within these areas are limited.

The wetlands, Eucalyptus ESHA areas, and buffer areas ~~and intermingled raptor foraging areas~~, are designated Open Space-Conservation to assure they are adequately protected.

SUGGESTED MODIFICATION NO. 8

Add the following policy to the certified Land Use Plan, on page IV-C-100 as new policy C 1.1.3a:

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 of the private development.

SUGGESTED MODIFICATION NO. 9

Add the following policy to the certified Land Use Plan, on page IV-C-105 as new policy C 2.4.7:

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.

SUGGESTED MODIFICATION NO. 10

Modify the following existing LUP Water and Marine Resources policies as follows:

C 6.1.6

(modify third and fourth paragraph)

The City shall require that new development and redevelopment, as appropriate, employ nonstructural Best Management Practices (BMPs) and structural BMPs designed to

minimize the volume, velocity and pollutant load of stormwater runoff, prior to runoff discharge into stormwater conveyance systems, receiving waters and/or other sensitive areas. **All development shall include effective site design and source control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, structural treatment BMPs along with site design and source control measures shall be required.** BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types.

To this end, the City shall continue implementation of the Municipal **Non-Point Source Stormwater** National Pollution Discharge Elimination System (NDPES) **standards program permit (Santa Ana Regional Water Quality Control Board Order No. R8-2002-0010, dated January 18, 2002, or any amendment to or re-issuance thereof)** of which the City is a co-permittee with the County of Orange through the Santa Ana Regional Water Quality Control Board. Per program parameters, continue to require a Water Quality Management Plan for all applicable new development and redevelopment in the Coastal Zone, ...

C 6.1.16

Encourage the Orange County Sanitation District to accept dry weather nuisance flows into the sewer treatment system prior to discharge. **New developments shall be designed and constructed to minimize or eliminate dry weather nuisance flows to the maximum extent practicable.**

C 6.1.25

Require that new development and redevelopment minimize the creation of impervious areas, **especially directly connected impervious areas**, and, where feasible, reduce the extent of existing unnecessary impervious areas, and incorporate adequate mitigation to minimize the alteration of natural streams and/or interference with surface water flow. **The use of permeable materials for roads, sidewalks and other paved areas shall be incorporated into new development to the maximum extent practicable.**

Add new policy C 6.1.30

Natural or vegetated treatment systems (e.g. bio-swales, vegetative buffers, constructed or artificial wetlands) that mimic natural drainage patterns are preferred for new developments over mechanical treatment systems or BMPs (e.g. water quality treatment plants, storm drain inlet filters).

SUGGESTED MODIFICATION NO. 11

Add the following policy to the certified Land Use Plan, on page IV-C-123, as new policy C 7.2.7

Any areas that constituted wetlands or ESHA that have been removed, altered, filled or degraded as the result of activities carried out without compliance with Coastal Act requirements shall be protected as required by the policies in this Land Use Plan.

III. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

The following findings support the Commission's action of November 14, 2006 approving Land Use Plan amendment 1-06 if modified as suggested. Changes to the findings contained in the staff recommendation dated November 1, 2007 necessary to reflect the Commission's action are indicated as follows:

Language added as a result of the Commission's action is shown in **bold, italic, double underline**.

Language deleted as a result of the Commission's action is shown in **~~bold, italic, strike through double underline~~**.

The Commission hereby finds and declares as follows:

A. Land Use Plan Amendment Description

The proposed Local Coastal Program (LCP) amendment is a project-specific amendment designed to make possible a low density residential development up to a maximum 7 dwelling units per acre (dua) on a vacant, approximately 50-acre site comprising two legal lots, most of which is currently in agricultural production. Most of the site is currently uncertified, and the proposed LUP amendment would incorporate those areas into the City's existing LUP and establish land use designations for those areas as well as for the currently certified parts of the site.

The geographic area that is the subject of this proposed LUP amendment can be divided into three areas. See Exhibit C4. The largest section is an area of the City that was deferred certification by the Commission at the time the City's Land Use Plan (LUP) was originally certified, in 1982, and that deferral carried through to the eventual LCP certification in 1985. The area of deferred certification (ADC) is approximately 40 acres.¹

¹ The staff report and Commission findings from the 1982 LUP certification are not entirely clear about how much area was deferred certification. However, the City has clearly depicted the area subject to this LCP amendment (through the

This amendment request proposes to certify this area by bringing it within the City's existing LUP and applying land use designations to the area. Just northwest of the ADC is a 5 acre area that is currently certified (see footnote 1) and designated Open Space-Parks. The City has resubmitted this area for certification with the same designations. Finally, there is a five acre area southwest of the ADC that was under the jurisdiction of the County of Orange until it was annexed by the City in 2004. Like the ADC, the City proposed to certify that area by bringing it within the broader City LUP, and land use designations are proposed for this area as well. The proposed amendment would allow the majority of the site to be developed with low density residential development, and would also set aside a portion of the site for open space uses including parks and conservation.

The amendment does not propose to create any new land use designations that are not already used in the existing LUP. Each of the land use designations proposed already exist within the certified Land Use Plan (LUP). The land use designations that are proposed to be applied at the subject site have been applied elsewhere within the City's certified LUP. However, because the site is an area of deferred certification or was recently annexed, no land use designation has ever been approved by the Commission at the subject site (with the exception of the 5 acre area designated and zoned Open Space-Parks). The current zoning of approximately 38 acres of the site is Residential Low Density, which has not been certified by the Commission.

Specifically, the amendment request proposes the following land use designations (see exhibit C):

Land Use		Acres
RL - 7	Low Density Residential-Maximum 7 units per acre	38.4 acres
OS-P	Open Space-Park	8.2 acres
OS-C	Open Space-Conservation	3.3 acres

As stated, the area of deferred certification is forty acres and the former County parcel is five acres. In addition to the 45 acre area, the City has also included in this amendment the five acre area that was not deferred certification. The certified area totals approximately 5 acres and is land use designated and zoned Open Space – Parks. Most of the certified five acre parcel is slope area and not usable as an active park area. The proposed amendment would retain that land use, and would expand that designation into the formerly deferred area, for a total of 8.2 acres of Open Space – Parks. This five acre segment brings the total size of the subject site to 50 acres (40 acre ADC, 5 acre former County parcel, 5 acre certified area).

exhibit to its resolution) and clearly “resubmitted” any portions of that area that may currently be certified. For purposes of this staff report, we refer to the uncertified area as being 40 acres, and the acreage of the other areas subject to this LUP amendment are calculated accordingly. However, if the City does not accept the Commission’s certification with suggested modifications, and the current *status quo* remains, the Commission does not, by these descriptions, take any position on the issue of what area is currently certified and what area is ADC.

Of the approximately 5 acre former County area, 1.7 acres are proposed to become low density residential and 3.3 acres are proposed to become Open Space – Conservation (these figures are included within the totals in the chart above).

In addition to establishing land use designations for the subject site, the amendment also proposes text changes to the LUP. The certified LUP includes a section of area-by-area descriptions. In this section of the LUP, the acreage figure is proposed to be changed to reflect the annexation of the former County parcel (from the current 44 acre figure to the proposed 50 acre figure). In addition, language describing the area as vacant and an area of deferred certification is proposed to be replaced with the following language:

The Coastal Element land use designation for the vacant 45 acre area next to the East Garden Grove-Wintersburg Flood Control Channel was recently certified as RL-7 (Low Density Residential) and OS-P (Open Space – Park). In addition, approximately 5 acres of land was annexed from the County of Orange into the City of Huntington Beach. This area is designated RL-7 (Low Density Residential) and OS – C (Open Space – Conservation).

The subject area is currently comprised of two parcels: one 45 acre parcel (historic City parcel) and one 5 acre parcel (former County parcel).

B. Site Description and History

The site address is 17301 Graham Street, Huntington Beach, Orange County. It is bounded by Graham Street to the east, East Garden Grove Wintersburg Flood Control Channel (EGGWFC) to the south, unincorporated Bolsa Chica area to the west, and existing residential uses to the north (along Kenilworth Drive). The development to the north is located within the City. The land to the north and to the east of the project is located outside the coastal zone. The areas located east of Graham Street, south of the EGGWFCC, and immediately north of the subject site along Kennilworth Drive are all developed with low density residential uses. To the northwest, a multi-family condominium development, Cabo del Mar, exists. To the west of the subject site, are undeveloped properties known as the Goodell property and Signal Landmark property. To the southwest of the subject site lies the Bolsa Chica wetlands restoration area. The 3.3 acre area on the subject site proposed to be land use designated Open Space-Conservation is adjacent to the wetlands restoration area. West of the Goodell property is the site of the recently approved Brightwater development for 349 residential units (coastal development permit 5-05-020). The Brightwater site, the Goodell property, and the Signal Landmark property are located on the Bolsa Chica mesa.

The majority of the subject site has been more or less continuously farmed since at least the 1950s.

The majority of the site is roughly flat with elevations ranging from about 0.5 foot below

mean sea level to approximately 2 feet above mean sea level. The western portion of the site is a bluff that rises to approximately 47 feet above sea level. Also, generally near the mid-point of the southerly property line is a mound with a height of just under ten feet. The EGGWFCC levee at the southern border is approximately 12 feet above mean sea level.

Historically, the site was part of the extensive Bolsa Chica Wetlands system. In the southwest corner of the site, on the former County parcel, the City, property owner and Commission are in agreement that an approximately 0.45 acre wetland is present. In the 1980s, as part of the review of the County's proposed LUP for the Bolsa Chica, the Department of Fish and Game (CDFG) in the document titled "Determination of the Status of Bolsa Chica wetlands" (as amended April 16, 1982), identified this area as "severely degraded historic wetland – not presently functioning as wetland", and considered it within the context of the entire Bolsa Chica wetland system.

Also, in 1989, the U.S. Environmental Protection Agency (EPA) published its delineation of an approximately 8 acre wetland area in the northwest area of the site, near the base of the bluff. At the time of the EPA delineation, the area was being farmed. The topography of the agricultural field has been significantly altered since about 1998. As a result, the area delineated by EPA no longer is inundated or saturated for long periods except during exceptionally wet years. Water now tends to inundate an area near the flood control channel (designated "WP") and an area at the base of the western bluff (designated "AP"), both of which were have been identified as wetlands by the Commission's staff ecologist. **However, the Commission found at its November 14, 2007 meeting that the WP is not wet enough long enough to result in the formation of hydric soils and does not exhibit sufficient hydrology that would support a predominance of hydrophytes in most years. The City and property owner do not contest designation of the AP as wetland.**

In addition, on the site's western boundary, generally along the base of the bluff, are two groves of Eucalyptus trees. The trees are used by raptors for nesting, roosting, and as a base from which to forage.

At the time the City's LUP was first considered for certification, in 1981, the Commission denied certification, in part because the City proposed low density residential land use designation for the site that is the subject of the present amendment request and the Commission found the site to contain wetlands. The City re-submitted the LUP in 1982, but it made no change to the proposed low density residential land use designation for the subject site. Once again, the Coastal Commission in its action on the City's proposed Land Use Plan, denied the certification for the MWD site (as the subject site was previously known), finding that it did contain wetland resources and that the designation of this parcel was an integral part of the ultimate land use and restoration program for the Bolsa Chica. The Commission findings for denial of the LUP for this area note the importance of this area in relation to the Bolsa Chica LCP. Of the 3.3 acres proposed to be Open Space – Conservation, none is located within the 40 acre area that was deferred certification. The site was being farmed at the time of the Commission's denial of the low

density residential land use designation for the subject site.

A related coastal development permit application had been submitted for the subject site, 5-06-327 Shea Homes, but that application has since been withdrawn similar to prior applications (previously submitted and then withdrawn were application Nos. 5-06-021, 5-05-256 and 5-03-029 for the same development proposal), as well as an appeal of a City permit for the certified area (A-5-HNB-02-376). The appealed action remains pending, but the applicant waived the deadline for the Commission to act on the appeal. The Commission anticipates acting on the appeal in conjunction with a future permit application. The permit application and appeal request subdivision of the site to accommodate 170 single family residences, construction of the residences and associated infrastructure, preservation of the wetland identified on the former County parcel, and dedication and grading of active public park area.

C. LCP History

The LCP for the City of Huntington Beach, minus two geographic areas, was effectively certified in March 1985. The two geographic areas that were deferred certification were the bulk of the subject site (known at that time as the MWD site – see footnote 1), and an area inland of Pacific Coast Highway between Beach Boulevard and the Santa Ana River mouth (known as the PCH ADC). The subject site is northeast of the Bolsa Chica LCP area. At the time certification was deferred, the subject area was owned by the Metropolitan Water District (MWD). The site has since been sold by MWD and is currently owned by Shea Homes. Both of the ADCs were deferred certification due to unresolved wetland protection issues. Certification of the subject site was also deferred due to concerns that it might be better utilized for coastal-dependent industrial facilities, since MWD at that time had a “transmission corridor” parcel within the Bolsa Chica Lowlands that it indicated could be used to connect seawater intake facilities located offshore to facilities located on its switchyard parcel in the City of Huntington Beach, through the subject parcel. This is no longer a possibility, since the State has taken over the lowlands, and given the development of the areas surrounding the subject parcel since 1982 (and pending development that has already been approved), this site is no longer appropriate for coastal dependent industry.

The PCH ADC was certified by the Commission in 1995. The wetland areas of that former ADC are land use designated Open Space – Conservation and zoned Coastal Conservation. No portion of the former PCH ADC is part of the current amendment request.

A comprehensive update to the City’s LUP was certified by the Commission on June 14, 2001 via Huntington Beach LCP amendment 3-99. The City also updated the Implementation Plan by replacing it with the Zoning and Subdivision Ordinance (while retaining existing specific plans for areas located within the Coastal Zone without changes). The updated Implementation Plan was certified by the Coastal Commission in April 1996 via LCP amendment 1-95. Both the LUP update and the IP update maintained

the subject site as an area of deferred certification.

This LCP amendment was originally submitted as LCPA No. 2-02. LCPA 2-02 was subsequently withdrawn and re-submitted as LCPA 1-05. LCPA 1-05 was also withdrawn and re-submitted. The current amendment, LCPA 1-06 is the most recent submittal of the same amendment. No changes have been made to the amendment proposal during any of the withdrawal and re-submittals. The withdrawal and re-submittals were done in order to provide the property owner additional time to prepare and submit additional information regarding the presence of wetlands on-site and the use of the eucalyptus grove by raptors, and to allow Commission staff adequate time to review the additional information. LCPA 1-06 was received on April 13, 2006. On June 13, 2006, the Commission granted an extension of the time limit to act on LCPA No. 1-06 for a period not to exceed one year. **The deadline for Commission action on LCPA No. 1-06 is July 12, 2008. On May 10, 2007, the Commission voted to deny the subject Land Use Plan amendment, as submitted. A motion (i.e. the main motion) was made to approve the Land Use Plan amendment with modifications, but, upon deliberation, the hearing was continued. The LCPA was subsequently scheduled for Commission action at its July 9-13, 2007 hearing. The LCP amendment originally proposed changes to both the Land Use Plan (LUP) and the Implementation Plan (IP). On July 3, 2007, the city withdrew the IP portion of the LCPA. The Commission recognized the withdrawal of the IP amendment at its July 11, 2007 hearing. Also at its July 11, 2007 hearing, the Commission postponed action on suggested modifications for the LUP portion of the LCPA. At its November 14, 2007 meeting, the Commission approved the LUP amendment with suggested modifications. On April 10, 2008, the Commission granted an extension of the time limit for the City to act on suggested modifications to the LCPA.**

D. Land Use Plan Format

The City's certified Land Use Plan includes a section of Goals, Objectives and Policies. These are organized by specific resources, including headings such as Land Use, Shoreline and Coastal Resource Access, and Recreational and Visitor Serving Facilities, among many others. These are the certified policies that apply City-wide within the coastal zone. Another section of the certified LUP is the Technical Synopsis. The Technical Synopsis is an area-by-area description of each segment of the City's coastal zone. This section includes the descriptions of the existing land use designations. It also includes, after a narrative description of the sub-areas, Table C-2. Table C-2 is titled "Community District and Sub-area Schedule" and it provides greater specificity of what is allowed and encouraged within each subdistrict. This greater level of specificity provides a more detailed, site specific description than would be provided if the land use designation or general policies were considered alone. Table C-2 provides language on how general policies and designations would apply to specific sub areas of the coastal zone. Taken all together, these work well as the standard for development in the coastal zone.

The format of the suggested modifications applies this same structure to the amendment site. Many of the issues addressed by suggested modifications would be required by the general LUP policies, but, consistent with the format of the LUP, the suggested modifications are intended to provide a greater level of detail that applies to the specific circumstances of the subject site. For example, although the City's public access policies may be adequate to require a bike path along the EGGWFCC levee, the LUP format calls the reader's attention to the fact that, at this particular site, a bike path is appropriate and is therefore being required in this amendment. If one were working from the policies alone, some opportunities at certain sites may not be recognized. The LUP's existing format significantly maximizes the protection of resources within the coastal zone. The suggested modifications carry out that same format in order to assure protection of resources at the amendment site.

E. Approval of the Land Use Plan Amendment if Modified

1. Incorporation of Findings for Denial of Land Use Plan as Submitted

The findings for denial of the Land Use Plan as submitted are incorporated as if fully set forth herein. The Commission denied the LUPA as submitted at the Commission's May 10, 2007 hearing. The findings for denial of the LUPA as submitted that were provided in the May 2007 recommendation are found in Appendix Attachment A, attached to this staff report ~~(these findings may need revision to reflect the Commission's action in May 2007). Any required revised findings will be presented to the Commission for adoption at a later hearing.~~

2. Wetland

The proposed amendment includes an Open Space Conservation designation on a 3.3 acre area within the former County parcel. The 3.3 acre area includes an undisputed wetland area (see 3rd revised exhibit NN). The proposed Conservation designation is appropriate for this area. However, additional wetland areas exist at the subject site that are not proposed to be protected with the Open Space Conservation (OSC) designation and are addressed in the following findings.

Wetlands often provide critical habitat, nesting sites, and foraging areas for many species, some of which are threatened or endangered. In addition, wetlands can serve as natural filtering mechanisms to help remove pollutants from storm runoff before the runoff enters into streams and rivers leading to the ocean. Further, wetlands can serve as natural flood retention areas.

Another critical reason for preserving, expanding, and enhancing Southern California's remaining wetlands is because of their scarcity. As much as 75% of coastal wetlands in southern California have been lost, and, statewide up to 91% of wetlands have been lost.

Section 30121 of the Coastal Act states:

“Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The Commission has further specified how wetlands are to be identified through regulations and guidance documents. Section 13577(b)(1) of the Commission’s regulations states, in pertinent part:

Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes ... For purposes of this section, the upland limit of a wetland shall be defined as:

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
- (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not*

Section 30231 of the Coastal Act states, in pertinent part:

The biological productivity and the quality of ... wetlands ... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, ... preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas that protect riparian habitats, ...

Section 30233(a) of the Coastal Act states:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- 3) In open coastal waters, other than wetlands, including streams, estuaries,*

and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

- 4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- 5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- 6) *Restoration purposes.*
- 7) *Nature study, aquaculture, or similar resource dependent activities.*

Section 30250 of the Coastal Act states, in pertinent part:

(a) New residential ... development ... shall be located ... where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the City's LUP includes Policy C 6.1.20, which limits filling of wetlands to the specific activities outlined in Section 30233 of the Coastal Act. And LUP policy C 7.1.4 states, in pertinent part: *"Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones."*

The Coastal Commission staff ecologist has reviewed considerable amounts of information regarding the extent of wetlands at the site, much of which are listed in his memorandum which is attached as Exhibit K. The property owner has submitted numerous documents intended to demonstrate that there are no wetlands on site, beyond the wetlands recognized on the former County parcel (i.e. the CP wetlands). Local citizens have submitted documents intended to demonstrate that there are significantly more wetlands on site than that recognized in the CP wetlands. These citizens are concerned by the prospect that development may be allowed to occur within wetlands at the site if the LUP amendment were approved as submitted (and as reflected in the related coastal development permit application 5-06-327, Shea Homes, and appeal A-5-HNB-02-376). In addition, the staff ecologist has reviewed historical information regarding the subject site and surrounding area. All this information has been reviewed by the staff ecologist and is considered in his memoranda attached as Exhibits K, LLL, and QQQ to this staff report and are hereby incorporated into these findings in their entirety.

The Commission's Mapping/GIS Program Manager has also reviewed numerous historic and more recent aerial photographs and topographical information. The purpose of the Mapping/GIS Program Manager's review was to identify changes due to landform alterations such as grading and filling, and to attempt to delineate disturbed areas dating from the time the Coastal Commission's jurisdiction began at the project site (1/1/77). The results of his review are reflected in his memoranda dated 7/2/07 and 10/25/07, attached as exhibits MMM and RRR of this staff report and which are hereby incorporated into these findings in their entirety.

In brief summary, results of the review of the aerial photos and topographic maps indicates that topography has changed on site, particularly in the area delineated by the EPA as wetlands in their 1989 publication (generally in the northwest area of the site). Changes are also identified in the area of the former equestrian facility (generally in the southwestern portion of the site between the CP and WP wetland areas). **However, at its November 14, 2007 hearing, the Commission found, based on evidence presented, that no wetlands exist in the WP area.**

In the aerial photo taken on May 21, 1970, the western extension of Slater Avenue is visible just north of the flood control channel embankment on the subject property. The 1970 photo establishes a pre-Proposition 20, pre-Coastal Act baseline for gauging the extent of land alterations and other changes that occurred later (post Coastal Act, 1/1/77).

A clearly distinguishable topographic depression in the area of the EPA wetlands is depicted on topographic maps from 1970, 1980, and 1996. However, by 2005 that depression was no longer present in the same configuration. The lowest area had been displaced to the west abutting the base of the mesa and the historic EPA wetland area had been relatively flattened. In the area of the former equestrian facility, the aerial photos and topographic maps also show disturbance. In the images from 1981 on, fill is evident in the area that was developed as an equestrian facility. It appears that fill first appears in conjunction with establishment of the equestrian facility, with additional fill being placed over the life of the facility. The extent of fill has migrated, primarily to the north, but also, to some extent, to the southwest.

Existing WP and AP Areas Wetlands

With regard to existing wetlands, based on his review of the available data, the Commission's staff ecologist determined that additional wetland areas exist at the subject site. The Commission's staff ecologist considered first questions of whether additional wetland areas exist at two specific areas of the subject site. The results of the staff ecologist's review regarding the presence of additional wetland at the two specific sites (described below as areas AP and WP) are reflected in his Memorandum, dated 7/27/06, attached as exhibit K to this staff report. For the reasons listed in that memorandum and below, the Commission concurs and adopts its ecologist's conclusions with regard to the area known as the Agricultural Pond (AP) ~~these two specific areas of additional wetlands.~~ **The two specific areas of were evaluated for the presence of additional wetland area. at the two sites** are referred to as the Wintersburg Pond or WP, which is adjacent to the East Garden Grove Wintersburg Flood Control Channel (EGGFCC) levee along the southern edge of the site; and the Agricultural Pond or AP, located near the base of the bluff along the western edge of the property. The proposed LUP amendment would designate these wetland areas Low Density Residential and Open Space-Parks. These land use designations allow grading, and the construction of houses, roads, and active parks, which would necessitate the dredging and filling of the wetlands **if wetlands are present in these areas.** Such uses within wetlands are inconsistent with Section 30233 of the Coastal Act and with LUP Policy C 6.1.20 which limits filling of

wetlands to the specific activities outlined in Coastal Act Section 30233.

The memorandum dated July 27, 2006 from the Commission's staff ecologist states: "The available data suggest that portions of the agricultural field ... are inundated or saturated at a frequency and duration sufficient to support a preponderance of wetland plant species ... Such areas meet the definition of wetlands under the Coastal Act and the Commission's Regulations."

There are three factors or "parameters" that are used to determine whether or not a wetland exists: the presence of hydrophytic vegetation, the presence of hydric soils, and the presence of wetland hydrology. The Commission finds an area to be wetland if any one of the three parameters is present. Usually, the presence or absence of hydrophytes or hydric soils is sufficient to determine whether a wetland exists. However, those two indicators are not necessary, as they do not actually define a wetland. Rather, an area is defined as a wetland based on whether it is wet enough long enough that it would support either of those two indicators. Therefore, the removal of vegetation by permitted activities does not change a wetland to upland.

Section 30121 of the Coastal Act provides the statutory definition of wetlands: "...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes ..." Section 13577(b)(1) of the California Code of Regulations provides the regulatory definition of wetlands: "... land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes" Thus, the Coastal Act and the Regulations provide that a determination of the presence of wetlands may be made based on whether an area demonstrates the presence of sufficient water to promote hydric soils or to support hydrophytes, whether or not the soils and vegetation are present under existing conditions.

Because this area was historically a salt marsh and because the site has been historically farmed and continues to be farmed as of the adoption of these findings, the typically used field indicators cannot be relied upon. The grading and repeated discing and plowing associated with the existing agricultural use destroys hydric soil features and prevents the development of natural vegetation. Nevertheless, the evidence presented in the ecologist's memo and summarized below indicates suggests that the AP and WP areas are wet enough long enough to "support the growth" of hydrophytes. Thus If so, the WP and AP areas would meet the definition of wetlands contained in the Commission's regulations. Furthermore The WP and AP would also meet the Coastal Act definition of wetlands if they are in that it is "periodically covered in shallow water." However, based on all the evidence presented (including the memoranda prepared by Commission staff, information submitted by the City, the property owner, the public, and public testimony) the Commission found that the area of the WP is not wet enough long enough or frequently enough for the development of a preponderance of hydrophytic vegetation or hydric soils. Therefore, the Commission finds that the area known as WP is not a wetland.

The wetland conclusion is based on two lines of evidence: (1) an examination of the vegetation at a nearby location that is similar in history, physical characteristics, and hydrology to the depressions in the agricultural field,² and (2) an informed estimate of the frequency and duration of continuous inundation for long duration (at least 7 days) at various sites.

Areas WP and AP were matched by the Commission's staff ecologist, with wetland areas on the County parcel that were similar in elevation and topography. Inundation in the agricultural pond (AP) areas and at the reference wetlands was similar in pattern, further suggesting that the latter is a good proxy for the former. Therefore, since the dominant vegetation at the reference areas is mostly comprised of wetland species, it is reasonable to expect that the agricultural areas ~~WP and~~ AP would also support a predominance of hydrophytes in the absence of farming (i.e. that they are it is wet enough long enough and frequently enough to support such vegetation).

Although, prior to about 1990, inundation hadn't been apparent in the depression adjacent to the EGGWFCC (WP area) and inundation occurred there less frequently than in the area of the AP; in recent years, ample the Commission considered evidence information regarding whether the exists to show that WP is inundated for long duration following significant rainfall. Weighing the conflicting information submitted, the Commission found that the WP was not inundated for long duration following significant rainfall.

Establishing the extent of wetlands at the site, given its history of farming and disturbance, is not straightforward. The best approach for this site regarding WP and AP known to the Commission at this time is to base the wetland boundary on current conditions as inferred from recent topography and the available photographs of recent inundation.

EPA Delineated Wetland (1989)

Prior to about 1990, it appears from aerial photographs that significant inundation was generally confined to the area delineated as wetland (just east of the area of the AP) by the EPA in its 1989 publication. Based on analysis of aerial photographs dating from 1958 to 1985, the property owner's biological consultant concluded that inundation in that area tended to have a different footprint in different years and, based on this observation, he

² In the second to last footnote in Dr. Dixon's memo, he notes that the topography of the reference site is actually similar to that of WP as it existed in 2003, not at present. More recently a box plough was used to fill area WP, which is apparent in 2006 topographic maps. The box plough fill is under investigation by Commission staff as an alleged violation. Accordingly, relying on the topography prior to the alleged violation yields the appropriate comparison. Additionally, the hydrology section of Dr. Dixon's memo states that LSA biologists stated that WP didn't pond until after about 1973. However, if this is due to changes in topography that occurred before 1973, it is again appropriate to focus on the post-1973 topography, as that represents current conditions. Conditions prior to 1973 may be irrelevant if topographical conditions changed prior to 1973, as such changes were pre-Coastal Act and therefore not Coastal Act violations.

argued that no particular area should be identified as a wetland. However, all his estimated wetland polygons in the western portion of the agricultural field appear to fall within the area delineated by the EPA. In the absence of wetland vegetation, the drawing of wetland boundaries is an approximate exercise based on a small and haphazard collection of aerial photographs or ground observations and estimates of topography. Given the approximate nature of such delineations, it appears the consultant's results are actually additional evidence that the EPA delineation was reasonable at the time it was made. However, it appears that the area of the EPA delineation (8.3 acres) was based on extra-normal site circumstances. As described in the October 25, 2007 memorandum prepared by the Commission's staff ecologist, the 8.3 acre estimate of the wetland size appears to have been based largely on observations made during the period when increased runoff from off-site was temporarily directed onto the subject site. This appears to have occurred during the construction of the Cabo del Mar condominiums on the adjacent property from sometime after 1978 until sometime before 1986. If one considers the area delineated by EPA under normal conditions (i.e. no excess off site drainage directed on-site), a more likely estimate for the wetland area can be made. Based on the Bilhorn (1987) and EPA (1989) estimates of wetland area during the period of construction of the Cabo del Mar condominiums, estimates of water availability during the period of interest, and the estimated size of ponded areas in available photographs, a reasonable estimate of the average area that ponded is 4.0 acres. The 1987 and 1989 studies by Bilhorn and EPA were based on field work done prior to 1987. The October 25, 2007 memorandum is attached to this staff report as exhibit QQQ and is hereby incorporated by reference as though fully set forth herein.

As discussed in detail below, the EPA wetland is no longer present.

Existing CP Wetland

Substantial evidence suggests that the wetland area of the CP is larger than what has been recognized in the LCP amendment submittal. The wetland area recognized by the City and property owner on what is known as the former County parcel totals 0.45 acres. However, additional CP area should be included in the CP wetland acreage. This wetland area was filled without authorization from the Commission. In a letter dated 9/7/82 from the Department of Fish and Game (DFG) to Coastal Commission staff, the DFG determined the area, prior to placement of the unpermitted fill, to be wetlands, and recommended removal of the fill and revegetation (see exhibit BBB). Pursuant to Coastal Development Permit No. 5-82-278, the unpermitted fill was to have been removed and the area revegetated.

Based on comparison of topographic (1980) and vegetation maps (Vegetation Communities, Exhibit 26 of the Bolsa Chica Land Use Plan, dated January 1982) created before the unpermitted fill was placed, with topographic maps (1986 and 1982) created subsequent to the time the fill was placed, the elevation of the subject area was increased by at least 2 feet. Because of the unpermitted fill, the pickleweed within the filled area was no longer viable. Development approved pursuant to Coastal Development Permit 5-82-

278 included removal of the unpermitted fill to an elevation of approximately three inches below the grade of the existing adjacent pickleweed stand [area of the recognized CP wetland] and revegetation of the area with one or more of the following species: pickleweed, spiny rush, frankenia, sea lavender, and shoregrass. However, elevations in the fill area are not consistent with pre-fill elevations. Rather, topographic maps prepared subsequent to the unpermitted fill and subsequent to the issuance of Permit 5-82-278 depict the fill area at an elevation at least two feet above the adjacent CP wetland. This leads to the conclusion that removal of the fill and revegetation never occurred. Were it not for this unpermitted development, the area would have remained wetlands area. Unpermitted development cannot be used as a basis to justify development in areas where, were it not for the unpermitted development, such development would not be allowed. Thus, consideration of appropriate land use designation must consider site conditions as if the unpermitted development had not occurred. Therefore, this area is considered a wetland. As proposed, the amendment would allow land uses like residential and related uses, like roads, within wetland areas. Thus, the proposed land use designation is not consistent with Section 30233 of the Coastal Act.

Potential Unpermitted Development

Unpermitted development cannot be used as a basis to justify development in areas where, were it not for the unpermitted development, such development would not be consistent with the requirements of the Coastal Act. The site, as has been mentioned, has historically been farmed. Discerning changes in topography on the order of a few feet to fractions of a foot over the course of 30 years and ascertaining that such changes are not due to normal farming activities at a site where farming activities are on-going is problematic. Nevertheless it is important to assure that if wetland areas have been eliminated due to unpermitted activity, that those areas are considered as if the unpermitted activity had not occurred. Thus, if areas that would have met the Commission's definition of a wetland have been altered such that they no longer meet that definition only due to unpermitted activity, that area must be afforded the same protection as would be required had the unpermitted activity not illegally altered the wetlands.

It has been suggested that the land alterations in the area of the EPA delineated wetland were the result of "normal farming activity" and so could not be considered unpermitted development in terms of the need for a coastal development permit. However, any activities, whether normal farming activities or other, that would result in the fill of wetlands cannot be exempt from the need to obtain approval of a coastal development permit. Regarding "leveling of land as a normal farming activity", a joint EPA and Department of the Army memorandum³ states: "grading activities that would change any area of water of the United States, including wetlands, into dry land is not exempt." Furthermore, Section 323.4(a)(1)(iii)(D) of the Army Corps of Engineers regulations pertaining to discharge of dredged or fill material into the waters of the United States, states that the term plowing

³ Memorandum: Clean Water Act Section 404 Regulatory Program and Agricultural Activities; United States EPA and United States Department of the Army, May 3, 1990

“does not include the redistribution of soil, rock, sand or other surficial material in a manner which changes any area of the water of the United States to dry land.” The Commission agrees and finds that if a wetland is filled and no coastal development permit has been obtained, the fill activity constitutes unpermitted development.

The Commission makes no determination at this time whether the fill activity constitutes unpermitted development. Regardless of the precise nature of the long-time farming activity, because the LCPA proposes allowing non-farming uses such as the proposed residential and park uses outside of the modified wetland and buffer area, and requires restoration of a 4.0-acre modified EPA wetland, along with establishment of a 100-foot buffer adjacent, the Commission finds that the modified EPA wetlands is protected as a wetland under the Coastal Act.

In a letter dated July 9, 2007 submitted to the Commission at its July 2007 hearing from the California Farm Bureau Federation (see exhibit XXX), raises three issues regarding the LCPA staff report: 1) staff's recommendation relies on an EPA study, but there may no longer be any federal jurisdiction authority based on more recent EPA guidance documents; 2) the subject site's status of "prior converted cropland"; and 3) what constitutes "normal farming activities."

Regarding more recent EPA guidance documents the letter states: "In light of new USEPA and USACOE memorandums and the Staff Report's reliance on these agencies' findings, there may no longer be any federal jurisdictional authority over the disputed wetlands. In turn, this may alter key conclusions in the staff report." The documents referenced describe procedures to be followed in determining when the EPA/USACE have jurisdiction in implementing the Clean Water Act. The guidance documents assist only in determining when a Section 404 permit is necessary from the EPA and have no bearing on a past wetland delineation and cannot be interpreted as negating a past delineation. Furthermore, one of the referenced documents (Memorandum: Clean Water Act Section 404 Regulatory Programs and Agricultural Activities) states: "For example, if a farmer has been plowing, planting and harvesting in wetlands, he can continue to do so without the need for a Section 404 permit, **so long as he does not convert the wetlands to dry land** [emphasis added]." Thus, even by the standards cited by the Farm Bureau, farming that converts a wetland to dry land is not exempt from the requirement to obtain Section 404 review.

Furthermore, the 1989 EPA wetland delineation assessed the presence of wetlands and found that wetlands did exist at the site. Commission staff have reviewed that study as well as a great deal of other information (as cited in the Commission staff memoranda) and, as is outlined in the staff memoranda, found the EPA wetland delineation valid (with adjustments as described elsewhere). A change in other agencies' guidance documents has no bearing on the results of the earlier wetland delineation.

The letter also raises the question of whether the subject site should be considered "prior converted cropland". The Farm Bureau letter states: "Farm Bureau also believes that the

Coastal Commission should apply and document the site specific facts of this issue against USACOE RGL 90-7 and USEPA's applicable regulations and guidance documents regarding prior converted cropland." The letter further states: "However, attention should be given to the disputed area's present and recent past characteristics and use as prior converted crop land." The letter refers to a November 20, 1998 letter from the Natural Resource Conservation Service designating the subject site as prior converted cropland. That November 20, 1998 Natural Resource Conservation Service letter states that it based its determination that the site is "prior converted cropland" on two factors: 1) the site has been farmed prior to 1985, and, 2) designation of the property as "Prior Converted Cropland" by the Army Corps of Engineers in 1992, review of their designation in 1998 and an independent report from Lisa Kegarice of Tom Dodson and Associates in December of 1997 have determined that this property meets the criteria for Prior Converted Cropland." However, the Commission's staff ecologist's memo dated July 27, 2006 (exhibit K) includes review of the Natural Resource Conservation Service's 1998 letter (among many other documents) and addresses the issue of "prior converted cropland" at length. As described in greater detail in the Commission ecologist's 7/27/06 memo, the decision to dismiss the site from regulation under the Clean Water Act, was based on the faulty work contained in the Kegarice report of 1997 and the fact that errors in that report have been perpetuated without challenge until now. Furthermore, designation of a site as prior converted cropland simply allows on-going farming to continue. The proposed LUP amendment would not continue farming at the site, so that designation, even if it had been accurately applied, is moot when considering allowing non-farming uses such as the proposed residential and active park uses.

Finally, the Farm Bureau letter questions Commission staff's assessment that activities that have occurred on site are not normal farming activities. On-going farming activities, such as plowing and discing, that are consistent with the continuance of existing wetlands constitute normal farming activities. However, methods, such as grading, that go beyond normal farming activities have occurred on site, resulting in the loss and/or fill of wetlands, and do not constitute normal farming activities.

Moreover, members of the public have also presented evidence to suggest that activities that are employed at the site do not constitute normal farming activities. And, they have argued, those activities have, over time, substantially reduced the presence and extent of areas that would otherwise have met the Coastal Act definition of wetland. Such activities include, but may not necessarily be limited to, use of a bulldozer and a box plough to move earth in the area of the agricultural field. The Commission concurs that use of such earth moving equipment, particularly when it results in the fill of wetlands, is not typically associated with normal farming activities. Development, including earth movement on a scale that requires a bulldozer or box plough, in an area of known wetland presence (i.e. 1989 EPA wetland delineation; Commission's 1982 and 1984 actions deferring certification of the site; DFG Study of Wetlands at Bolsa Chica), without an approved coastal development permit constitutes may constitute unpermitted development.

Also, other non-farming activities have historically occurred on the site. In 1982 the

Commission approved the above mentioned coastal development permit No. 5-82-278. The approved development was located near the southwest corner of the site, straddling the former City/County boundary (see exhibit BBB). Fill (1,500 to 3,000 cubic yards) for an expanded parking area was explicitly approved as part of that coastal development permit. Evidence shows that only the area of the expanded parking lot that was explicitly described in the approved permit was approved for placement of fill under that coastal development permit approval. If so, any additional fill in the area of the remaining equestrian facility would may constitute unpermitted fill.

The development described in the application for the coastal development permit requests the following: placement of mobile home as a caretaker facility; **additional** stable facilities [emphasis added]; grading and fill of a parking facility for approximately 50 cars; removal of fill and revegetation [described previously]; and placement of a fence around the revegetated area. The City's 1981 Conditional Use Permit for the project (CUP No. 81-13) refers to a request to **expand** [emphasis added] an existing horse facility. The City's CUP staff report states: "The **existing** [emphasis added] temporary horse stable on the site has been in operation since 1966." and "According to the applicant most of the **existing** [emphasis added] facilities were installed prior to 1977. These characterizations of portions of development existing prior to the Commission's jurisdiction in the area (which began on 1/1/77) were carried over into the Coastal Commission staff report for 5-82-278. However, review of aerial photos indicates that the equestrian facility was not present until 1978, after the Commission's jurisdiction in the area began. Both the City and County of Orange planning staff have reviewed their records for permits for the stable facility that predate 1978, but have found no permits earlier than 1981⁴.

Regardless of whether or not any portion of the equestrian facility pre-dates the Coastal Act, review of historic aerial photos and topographic maps indicate subsequent actions at the subject site have resulted in fill beyond the footprint and/or at higher elevations than what was approved under coastal development permit 5-82-278. Any fill placed on the site, other than that specifically approved for the 50 space parking area approved under cdp 5-82-278, is may be unpermitted.

It should be noted that a coastal development permit application was submitted in 1993, 5-93-376 (Hole in the Wall Stable). The 1993 application requested approval of continued use of the existing equestrian facility (formerly Smokey's Stables). At that time Commission staff determined the request was exempt from the need for a coastal development permit because it simply requested continued use of an existing facility, no construction or grading/fill was proposed (see exhibit DDD). It appears the request was mischaracterized in that the equestrian facilities present in 1993 were larger still than even those requested in 1982.

In addition, at the direction of Commission staff, the current property owner submitted a

⁴ The County approved CUP No. 80-92 to permit the establishment of a commercial stable on the County portion of the site on 2/26/81.

coastal development permit application for discing the site in 1999 (5-99-303, Shea Homes). In response to that application, staff informed the applicant at that time that no permit was needed "based on the property's prior usage for agricultural purposes." (see exhibit NNN). However, staff's determination that no permit was necessary was based on a 1998 letter from CDFG (Exhibit YYY), stating that, based on a consultant's report, no wetlands were present and the likelihood of wetland restoration on site was slim. But that CDFG assessment relied, not on an actual wetland delineation by CDFG, but rather on the flawed analysis contained in a wetlands assessment of the site conducted by Tom Dodson and Associates (Kegarice, 1997)⁵. Thus, staff's determination that no permit was needed was in error, based on faulty information prepared by others.

Furthermore, staff's determination that no permit was necessary was also based on the characterization by the applicant (Shea Homes) that the development requested was discing of the site. The letter from staff indicating no permit was necessary responded only to the request to continue shallow discing of the farmed area. However, the site has been subjected to farming practices that may go beyond what can be considered "normal farming activities" and which were not described as part of the project description in the permit application. Supporting this conclusion are recently documented incidents at the site that include use of a bulldozer and a box plough. In addition, in his memorandum dated 7/2/07 (exhibit MMM), regarding the history of the EPA wetland area, the Commission's Mapping/GIS Program Manager concludes dramatic changes have occurred in this decade. The 7/2/07 memorandum states "Although agriculture has gone on in this area since the 1930's, the elevations have consistently indicated a topographic depression here. Aerial photography shows repeated instances of ponding in the area. In this decade the topography has changed dramatically, with the obliteration of the depression in its original location and the creation of a smaller, narrower depression at the western margin of the agricultural field."

However, other than permit 5-82-278 and the two circumstances mentioned above, no other permit history for the site has been discovered. The question of whether development occurred without benefit of an approved coastal development permit is particularly important due to the history of wetlands on site. There is evidence to suggest that areas where topography has been modified may have supported wetlands. If wetlands were present at the time of past development, the Coastal Act requires that those wetlands be protected. Review of historic aerial photos of the site, comparison of various historic and recent topographic maps of the site, photos of earth moving equipment not normally associated with farming activities, and earth moving in the area of previously delineated wetlands (i.e. EPA) also raise significant questions as to whether the site has been altered in ways that would have required a coastal development permit.

Construction of the Cabo del Mar condominiums – outside the coastal zone, but adjacent to the subject site – appears to have included development that extended onto the subject

⁵ See exhibit K, Memo from the Commission's staff ecologist explaining why that analysis is flawed and does not reflect actual site conditions.

site and thus, within the coastal zone. Prior to the development of the Cabo del Mar condominiums (c. 1983 – 1985), a portion of the runoff from the approximately 22-acre site drained onto the Parkside property and contributed to the hydrology of the wetland mapped by EPA. At some point after the Cabo del Mar construction, the drainage was directed to new drain pipes that were installed across the subject site. Section 30231 of the Coastal Act requires that all wetlands be maintained by preventing substantial interference with surface water flow. Construction of the drainage pipes impacted one source of water that fed the EPA wetland, inconsistent with Section 30231 of the Coastal Act. Such development would have required a coastal development permit from the Coastal Commission. However, no such permit was obtained.

Regarding the EPA wetland area, evidence suggests that this wetland relied on surface water rather than groundwater. Any loss of runoff would have a negative effect on the wetland that was historically present in the EPA area and on the wetlands that are currently present.

Open Space Conservation Area

In summary, in order to be most protective of wetlands, the additional wetland area, beyond what is proposed to be designated Open Space-Conservation, must be recognized and appropriately designated under this LUP amendment. At a minimum, that would include the AP, ~~WP~~ and expanded CP areas, and portions of the wetland area identified by the EPA in a document published in 1989. Although it is very likely the area between the former equestrian facility and the WP would be considered wetland area now were it not for unpermitted development, that determination cannot be conclusively made.

~~**Nevertheless, the AP, WP, expanded CP and the 4 acre area within the EPA delineated area and their respective buffers, when taken together with the area to be designated Open Space Conservation due to ESHA resources, the required buffer, and raptor foraging area, increase the area that must be designated Open Space Conservation.**~~

The area delineated by the EPA as wetland totaled approximately 8.3 acres. However, as described in the October 25, 2007 memorandum prepared by the Commission's staff ecologist, the 8.3 acre figure appears to have been based on observations during a period when construction activities on an adjacent property resulted in a temporary direction of excess off-site drainage onto the subject site. Several lines of evidence suggest that a reasonable estimate for the size of the wetland before and after the construction is about 4.0 acres. ~~**Unpermitted development Long-time farming activities**~~ resulted in the loss of the 4-acre EPA wetland area. Section 30233 of the Coastal Act requires that loss of wetlands due to fill must be mitigated. The Commission typically requires mitigation at a ratio of 4:1 (area of mitigation to wetland area lost). The ~~**Commission finds that the loss of 4.0-acre modified**~~ EPA wetland ~~**due to unpermitted activity**~~ must be ~~**mitigated restored**~~. However, the ~~**unpermitted land manipulations activities**~~ that resulted in the loss of the EPA wetland area also contributed to the creation of wetlands in the area of the ~~**WP and AP**~~. Thus, it would be appropriate to ~~**allow the area of the WP (0.95 acres) and**~~

preserve the area of the AP (0.61 acres) ~~to be applied toward the total area of wetland creation necessary to and~~ mitigate the loss of the 4-acre EPA wetland area through restoration of the 4.0-acre modified EPA wetland, as delineated by the Staff Ecologist. ~~(4 acres lost x 4 = 16 acres of wetland area to be created; 0.95 acres [WP] + 0.61 acres [AP] = 1.56 acres; 16 - 0.61 1.56 acre = 15.39 14.44 acres of wetland area still to be created).~~ Therefore, in addition to the ~~area of WP and~~ AP, an additional ~~14.44 4.0~~ acres of wetland creation restoration on site surrounded by a 100-foot buffer would be required to mitigate address the loss of the 4-acre EPA wetland.

Thus, area that must be preserved on site includes the AP, ~~WP and~~ expanded CP areas, modified 4.0 acre EPA wetland ~~area (as adjusted and mitigated)~~, ESHA areas, wetland and ESHA buffer area, ~~and raptor foraging mitigation area~~. Preservation and/or restoration of the AP, ~~WP,~~ expanded CP and restored and mitigated 4.0-acre EPA wetlands may require supplemental water.

~~The Commission finds the designation should apply across the western portion of the subject site to adequately protect the significant coastal resources present on-site and downstream of the subject property. More specifically, the Open Space Conservation designated area would extend from the southern property line along the EGGWFCG from a point east of the necessary buffer for the WP area, across the site to the northern property line at a point east of the necessary buffer for the EPA delineated wetlands and east of the necessary buffer for the northern Eucalyptus grove.~~ The area to be designated Open Space Conservation is depicted on ~~3rd~~ 4th revised Exhibit NN.

~~Although there are pockets of land within the area the Commission finds must be designated OS-C that are not wetland, ESHA or their necessary buffer areas, they are isolated fragments that could not reasonably be developed for residential or active park uses without significant disturbance to the other resource areas nearby. These intermingled areas were known to be wetlands in the 19th and early half of the 20th century and there remains some unresolved question as to whether some of that area would have delineated as wetland more recently if more data were available and/or past land alteration hadn't occurred. Furthermore, taken together with the area that must be designated OS-C to protect ESHA, wetland and their buffers, as well as area necessary for raptor foraging mitigation, there is really no developable area within the area to be designated OS-C. Therefore, that entire area is most appropriately designated as OS-C.~~

~~In addition, substantial evidence suggests that other wetland areas existed on site prior to what appears to have been unpermitted development. The Commission typically requires mitigation for wetland impacts, generally at a ratio of 4:1. If wetland areas beyond those specifically described above on site were lost due to unpermitted activity, not only would the wetland areas need to be protected and restored, but mitigation for the interim loss of habitat values would be required. The amount of wetland impact and the need for mitigation would most appropriately be~~

~~determined at the time a coastal development permit for the site is considered. However, it is imperative that land use designations approved under this LCP amendment not preclude appropriate wetland preservation, restoration and mitigation on site. To that end, it is important to assure that adequate area is land use designated so that such activities/uses (i.e. preservation and mitigation) are viable and in no way precluded. The most appropriate land use designation for wetland preservation, restoration, and mitigation is Open Space Conservation. In order to assure that enough area is set aside for all required future wetland preservation, restoration, and mitigation (as well as the area necessary to protect on site ESHA resources described elsewhere) †~~ The Commission finds that only if modified consistent with the land use designations depicted on ~~3rd~~ ^{4th} revised exhibit NN, can the proposed LUP amendment be found to be consistent with Sections 30233 and 30231 of the Coastal Act which require protection of wetlands.

Moreover, the entire area was originally deferred certification due to the historic presence of wetland on site. In deferring certification originally, the Commission found:

*North Properties of the Bolsa Chica (Between Wintersburg Channel & base of Bluffs)
(MWD Site #1 [virtually identical to the subject site of current LCP amendment⁶])*

The LUP designates this site for low density residential uses. No modifications were made in the LUP from the previous denial by the Commission.

The Commission found in its "Preliminary Wetlands Determination for the Bolsa Chica Local Coastal Plan, March 11, 1980, that all available information demonstrated that the vast majority of the Bolsa Chica low lands exhibit all the characteristics set forth for the identification of wetlands pursuant to Section 30121 of the Coastal Act and concluded that the information supported a preliminary determination that areas identified on Exhibit J of the "Preliminary Determination" are wetland for the purposes of the Coastal Act. The Commission had also previously found in its denial of the City's LUP that this area contained wetland resources.

Since that action and the previous review of the City's LUP, the Commission and staff have examined additional information concerning the Bolsa Chica wetlands system. As part of the review of the Bolsa Chica LUP the Dept. of Fish and Game in the document "Determination of the Status of Bolsa Chica wetlands (as amended April 16, 1982) identified this area as "severely degraded Historic wetland – Not Presently Functioning as Wetland" and considered it within the context of the entire

⁶ As indicated in footnote 1, the boundaries of the MWD site at the time of the 1982 staff report were not entirely clear. However, the site clearly covered what is now the 40-acre ADC and may have covered the former County parcel and some of the 5-acre certified area as well. Moreover, it did not extend south of the flood control channel, so the observations recounted here are definitely applicable to the site that is the subject of the current application.

Bolsa Chica wetland system. The DFG determined that this area is part of a 1,000 acre degraded wetland system in the area outside State ownership which is capable of being restored. The DFG report noted:

"The 440 acres of historic wetland which no longer function viably as wetland consists of approximately 250 acres of roads, and pads, 70 acres of agricultural land [including the subject site], and about 120 acres of viably functioning upland habitat. The roads and fill areas presently function as resting substrate for wetland-associated wildlife, and form narrow ecotones which add to and enhance the diversity of habitat available to wildlife. The 120 acres of upland habitat, considered in union, may be considered environmentally sensitive because of their special role in the Bolsa Chica wetland ecosystem. Were it not for the involvement of dikes, roads and relatively shallow fills, these 440 acres would be viably functioning wetlands.

The entire 1,324 acre study area, including 1,292 acres of historic wetland (in which 852 acres still function viably as wetlands [sic] constitutes a fundamentally inseparable wetland system of exceptional value to wildlife."

The DFG also discussed potential restoration of these areas and noted that the amount of acreage and location of wetlands to be restored will be dependant on the amount of fill and existing wetlands which could be consolidated to allow some development in the lowlands.

Thus, when the Commission originally deferred certification of the subject site, it did so based on the presence of wetlands. The Commission found that the site contained wetlands, even though the wetland functions were impaired, as is the case today. Moreover, farming was on-going at the time certification was deferred. Thus, the area was deferred certification even though the wetlands were impaired and farming was on-going. No change to those conditions have occurred in the intervening years. Thus, one cannot argue today that the site does not contain wetlands due to on-going farming activities or due to the impaired condition of the wetlands. Furthermore, unpermitted activities cannot be used as a basis to say that wetlands no longer exist at the site.

In addition, in deferring certification of the site the Commission recognized that the site was an integral part of the overall Bolsa Chica wetland system and could feasibly be restored. If the site were to be restored it would be a valuable addition to the Bolsa Chica wetlands restoration project. Sources to feed a restored wetland at the site would come from rainfall and possibly from the adjacent EGGWFCC, as well as urban runoff. And perhaps also from re-establishing the site as the location to accept runoff from the Cabo del Mar condominiums. In any case, restoration of the site as a freshwater wetland would be consistent with the historic wetland system which would typically have included a freshwater component, albeit significantly inland of the subject site. The addition of freshwater habitat to the Bolsa Chica wetlands restoration would greatly increase the biodiversity of the overall restoration project. In addition, taken with the preservation of the

eucalyptus grove, described below, the area would provide significant habitat benefits.

In addition to protecting the wetland area itself, it is important to establish buffer areas between the wetland and development. Buffers, by separating development from wetlands, minimize the adverse effects of development on wetlands, thereby avoiding significant adverse effects to resources. Buffers also provide transitional habitat and upland area necessary for survival of various animal species. The Commission has typically found that a minimum 100-foot buffer, or larger, is necessary to protect wetlands. Without the establishment of a minimum buffer size, projects could be approved with an inadequate buffer, jeopardizing the continuing viability of the wetland. Section 30250 of the Coastal Act requires that new development be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Wetlands constitute a coastal resource. In addition, Section 30231 of the Coastal Act requires that all wetlands be maintained by providing natural vegetation buffer areas. The City's certified LUP includes Policy C 7.1.4, which requires buffers around wetlands. This policy would apply to the subject site, but it allows a lesser buffer area if existing development or site configuration preclude a full 100 feet. In this case, such circumstances do not apply because the site is 50 acres in size and is not constrained by the site configuration or by existing development. A buffer less than 100 feet from all on-site wetlands is not adequately protective of the wetland. The proposed amendment does not recognize all wetland areas present on site and does not provide any buffer requirements specific to the site. Thus, as proposed, the amendment could result in locating development too close to the wetland, threatening the survival of the resource, inconsistent with Section 30250 which requires that the location of development avoid significant adverse effects on coastal resources such as wetlands and Section 30231 which requires natural vegetation buffer areas.

The extent of wetlands on site over the last 30 years, and past activities on the site that may have impacted those wetlands are difficult to determine with certainty. The Commission is charged with protecting wetlands, and limiting uses allowed within wetlands, as well as assuring that any allowable use is the least environmentally damaging alternative and that adequate mitigation is provided. The Commission must also assure that the quality of wetlands is maintained by, among other things, preventing substantial interference with surface water flow. In order to achieve these requirements, the Commission must review the evidence available to it, even when that evidence may conflict or be incomplete, and arrive at a conclusion that is most protective of wetlands. In this case, the Commission, after reviewing available evidence, finds that on balance there is stronger evidence to support the conclusion that there are significantly more wetlands at the site than has been recognized in the LUPA request. At a minimum, the additional wetland area includes the WP, AP, expanded CP, the area delineated by the EPA in 1989 (as adjusted) and, very likely, the area near the former equestrian facility.

Any wetland delineation prepared for the subject site must recognize that the site is both a 'difficult site to delineate' (i.e. an area where conditions make the use of standard field indicators of wetland parameters difficult [e.g. soils formed under hydric conditions

associated with tidal inundation that is no longer present]) and 'atypical' because human activities (i.e. farming) have resulted in the lack of positive indicators of one or more wetland parameters. The wetland delineation must account for circumstances where indicators are absent or difficult to interpret but other evidence demonstrates that the component(s) recognized by the Commission that comprise a wetland are present or would be present if not for the 'difficult' or 'atypical' situation. For example, the wetland delineation must recognize and account for circumstances where vegetation indicators cannot be expected; hydric soil indicators may be artifacts of prior conditions; the soil surface is frequently disturbed, which removes indicators of recent inundation; plowing may drastically alter the soil profile; irrigation might confound the interpretation of the presence of recruiting wetland plants and the presence of indicators of recent hydric conditions. Because the site historically has been, more or less continuously farmed, these indicators may be lacking even though the area may be "wet enough, long enough" that wetland features would develop. It is critical that future wetland delineations of the site recognize this protocol and that, consequently, even if the usual wetland indicators are not observable, wetland areas must still be identified if those areas meet Coastal Commission criteria. Wetland delineations must be sufficiently current to represent present site conditions. As proposed, the LUP amendment does not include this clarifying information. Therefore a modification is suggested to specifically incorporate this standard into the site specific section of the LUP.

It should be noted that construction of a flood protection levee within the wetland buffer area, provided it is the least environmentally damaging alternative, would not be incompatible with the continuance of the wetland. In order to be the least environmentally damaging alternative, the flood protection levee should be placed outside the buffer wherever possible, and as close to land designated for residential and/or active park uses as much as possible. According to the related coastal development permit application for the subject site and the project proponent, the type of flood protection levee to be constructed would be a vegetated flood protection feature (VFPP), essentially vegetated earthen berm with an internal sheet pile wall. The VFPP would not be expected to adversely impact the wetland because 1) there would only be temporary construction-related impacts, 2) once constructed, the VFPP would be planted to provide upland habitat that complements the wetland vegetation, and, 3) the VFPP would not require maintenance once constructed, thus intrusions into the buffer would be limited only to those necessary during construction. For these reasons locating a flood protection levee such as the one described above within the wetland buffer would be consistent with Sections 30233 and 30250 of the Coastal Act regarding wetland protection.

~~If, at the time a coastal development permit is proposed, the applicant presents conclusive evidence that a substantial area that has been designated Open Space Conservation did not support wetlands prior to unpermitted activity, or that no unpermitted activity occurred that effected wetlands, that evidence will be considered at the time the coastal development permit application is reviewed. If it is conclusively demonstrated by the evidence that residential or active park uses could be accommodated within the OS-C designated area without adversely~~

~~impacting any coastal resources, it may be appropriate to evaluate whether an LCP amendment to address such evidence is suitable. However, the Commission must be most protective of coastal resources and in order to do so, based on the evidence currently available, it designates all area described above and as shown on 3rd revised exhibit NN Open Space Conservation.~~

Furthermore, Section 30250 of the Coastal Act requires that new development be located where it will not have adverse effects on coastal resources. Wetlands constitute a coastal resource. Section 30231 of the Coastal Act requires that all wetlands be maintained and where feasible restored, by preventing depletion of ground water supplies and substantial interference with surface water flow and by maintaining natural vegetation buffer areas. Based on information submitted with the related coastal development permit application, a significant amount of earthwork would be necessary to prepare the site for residential development. It is essential that any earthwork undertaken on the site not interfere with the continuance of all on-site wetlands. No grading is allowed within the wetland and its buffer area under the Coastal Act (unless the grading is for the express purpose of wetland restoration). Grading, outside of the wetland, ESHA and necessary buffers, could only be considered if no adverse impacts to the wetlands resulted. If grading redirected groundwater and/or surface water flow such that water from the site no longer fed the wetlands, it would create an adverse effect on the wetland, which is a coastal resource, inconsistent with Sections 30231 and 30250 of the Coastal Act. The proposed amendment does not include any requirements that other site development, including earthwork, assure that no adverse effect occur to the wetlands. Thus, even if no grading were to occur within the wetlands and buffer areas, adverse impacts to on-site wetlands might result from the LUP amendment as proposed. However, if the amendment is modified to include language that requires the protection of the wetlands from all development on-site, the amendment could be found to be consistent with Section 30250 of the Coastal Act which requires no adverse effects to coastal resources occur.

In addition to the modifications suggested above, additional measures must be incorporated into the LUP amendment for the subject site to assure that future development adjacent to the wetland and buffer areas and throughout the site does not adversely impact the wetland. For example, if no restrictions were placed on landscaping throughout the site, invasive plants within the residential areas could invade the wetland areas, potentially displacing the wetland plants. In addition, pets from the residential development, if unrestricted, may enter the wetland area causing disruption. As proposed the LUP amendment does not include any site specific restrictions regarding potential impacts to continuation of the wetland, inconsistent with Section 30250 of the Coastal Act. However if modified to include a prohibition on invasive plants throughout the site, and a requirement for a domestic animal management plan, and fencing along the buffer/development interface, as part of the site specific LUP language, the amendment could be found consistent with Section 30250 of the Coastal Act. Specific suggested modifications to accomplish this are necessary to bring the proposed amendment into conformance with the Coastal Act.

Members of the public have raised concerns that unpermitted development has taken place on the property that is the subject of this amendment, and that such unpermitted development has affected the extent of wetlands on the site. Unpermitted development cannot be used as a basis to justify development in areas where, were it not for the unpermitted development, such development would not be allowed. This is true whether there is a specific policy reflecting this in the LUP or not. In this case, however, due to the fact that the Commission has established there is an ongoing controversy over the extent of wetlands on the property and a development footprint, the Commission wishes to ensure that the potential unpermitted development at the site is appropriately evaluated when a coastal development permit for this site is considered. Because this is a live controversy, the Commission suggests a modification of the proposed amendment to include an LUP policy that makes it clear that unpermitted development does not provide the standard for "existing" conditions and that any development proposal must be considered as if the unpermitted development had not occurred.

The Commission finds that only if modified as suggested indicated on staff exhibit NN (4th Revised) can the proposed land use plan amendment be found to be consistent with and adequate to carry out Sections 30233 and 30250 of the Coastal Act regarding wetlands.

3. Eucalyptus ESHA

The subject site contains environmentally sensitive habitat areas (ESHA). The trees within the "eucalyptus grove," within and adjacent to the subject site's western boundary are ESHA due to the important ecosystem functions they provide to a suite of raptor species.

Section 30240 requires that ESHA be protected from significant disruption and that only uses dependent upon the resource are allowed within ESHA. In addition, Section 30240 requires development adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade those areas. Section 30240 further requires that development be compatible with the continuance of the habitat area. This policy is carried over into the City's certified LUP ESHA policies.

In order to assure the ESHA is not significantly degraded and is protected and remains viable, in addition to precluding non-resource dependent development within the ESHA, a buffer zone around the ESHA must be established. A buffer zone would require that development adjacent to the ESHA be set back an appropriate distance from the ESHA. The setback is intended to move the development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance. The distance between the ESHA and development, the buffer zone, must be wide enough to assure that the development would not degrade the ESHA and also would be compatible with the continuance of the ESHA.

The property owner has suggested a "variable width buffer" as a means of protecting the ESHA (see Attachment C, exhibits 1 and 2). A variable width buffer would be appropriate. The variable width buffer proposed by the property owner would establish a minimum distance of 297 feet between the ESHA and residential or active park development (note: 100 meters is 328 feet) The variable width buffer proposed by the property owner would establish a maximum buffer distance of at least 650 feet between the ESHA and residential or active park development.. In some areas of the site, the effective width of the buffer area would substantially exceed 100 meters due to the relative location of the EPA wetland area and buffer and the AP wetland and buffer. The area occupied by EPA and AP wetlands and their buffers would provide appropriate ESHA buffer in that development with the related noise and activities would not occur within them and also those areas would remain viable as raptor foraging area.

The property owner's proposed variable width ESHA buffer includes a water quality Natural Treatment System (NTS) as an allowable use within the ESHA buffer near the southern grove (see Attachment C, exhibits 1 and 2). The NTS as proposed by the property owner is setback a minimum of 246 feet from the ESHA. Portions of a Natural Treatment System (NTS), would be appropriate within the ESHA buffer as long as it is located as shown on Attachment C, exhibits 1 and 2. An NTS within the ESHA buffer, subject to the setback described above, would be acceptable because it would occupy only a very small portion of the overall buffer area. Furthermore, the NTS itself will provide some habitat value. The shallow water habitat will increase the variety of habitats within the buffer area. For these reasons, allowing an NTS type system within the outer ESHA buffer as shown on Attachment C, exhibits 1 and 2 would not be expected to degrade the ESHA and would be compatible with its continuance.

As proposed by the property owner, the variable width ESHA buffer would prevent development that is not compatible with the continuance of the ESHA from occurring in a location where it would disrupt the ESHA and disrupt it. Therefore, the Commission finds the variable width buffer proposed by the property owner will adequately protect the entire ESHA.

The buffer should not be measured from myoporum. It is important to note, however, that the "eucalyptus" ESHA is an area that includes several species of non-native trees that provide important habitat for a large suite of raptors. These trees are predominantly eucalyptus, but also include pines and palms. Using aerial photographs, staff has drawn the boundaries of the ESHA by connecting the apparent drip lines of the outmost trees. It has been suggested that this has resulted in including a clump of myoporum, an invasive exotic that probably is not important to raptors. Although, it is appropriate to ignore the myoporum when drawing the boundary, if other nearby trees are species that provide habitat for raptors, the latter should be included within the ESHA boundary even if that results in some myoporum being present within the ESHA.

~~The property owner's consultant (Homrighausen, 2007) has indicated that such a variable width buffer would average 334 feet (see Figure 8 of Commission's staff ecologist's 7/25/07 Memorandum, Exhibit QQQ). However, this result appears to have been obtained by averaging the development setback from both the southern grove of Eucalyptus trees and the northern grove, and by including the active park area with the buffer. It is obvious that the proposed development, which includes the park, is effectively less than 164 feet (50 meters) from the northern Eucalyptus trees that provide raptor habitat rather than the claimed 334 feet. As described in greater detail in the findings for denial of the LUPA as submitted (see Appendix A), a buffer area less than 100 meters is inadequate to protect the ESHA as required by Section 30240(b) of the Coastal Act.~~

As proposed, ESHA area would be land use designated Open Space Parks, which would allow active park uses within the ESHA. In order to assure the ESHA is protected, in addition to precluding development within the ESHA, a buffer zone around the ESHA must be established. As proposed, the LUP amendment designates necessary buffer area Open Space Parks and Low Density Residential. The proposed designations would allow residential and park uses within the required buffer areas. Residential and park uses within ESHA and its buffer are inconsistent with Section 30240 of the Coastal Act. The land use designation that protects ESHA by limiting uses within ESHA to those allowed under Section 30240, and that prevents disruption of the habitat is Open Space Conservation. In order to assure that development adjacent to the ESHA does not significantly degrade or impair the continuance of the ESHA, the appropriate land use designation for both the ESHA and its buffer area is Open Space Conservation.

~~Uses allowed within the ESHA buffer for the southern grove are limited to resource dependent uses, habitat restoration, and VFPF (described below). In addition, within the northern grove ESHA buffer passive park use may be allowed if it is located more than 150 feet from the ESHA but the uses within the passive park are limited to nature trails, benches for passive use, and habitat enhancement, restoration, creation and management. Such uses are acceptable within the ESHA buffer because they are compatible with the continuance of the ESHA.~~

It is also worth noting that California gnatcatchers (*Poliophtila californica californica*), a species listed as "threatened" under the Endangered Species Act, are known to frequent the subject site, especially the western portion. Also, Southern tarplant (*Centromedia parryi* ssp. *Australis*), a California Native Plant Society "1b.1" species (seriously endangered in California), also exists at the site. However, the Southern tarplant exists in scattered areas on the site. A focused survey documented the presence of 42 individuals, distributed in 6 locations. The Commission's staff ecologist, in a memo dated 12/19/06 (see exhibit N), concludes that neither the seasonal gnatcatcher foraging habitat nor the Southern tarplant on the subject site meet the Coastal Act definition of ESHA. Nevertheless, regarding gnatcatcher habitat on-site, the staff ecologist's memo states, "it is worth noting that the areas of marginal habitat where gnatcatchers have been observed

are not proposed for development." Regarding the Southern tarplant, the memo states: "In contrast to the habitats on the Bolsa Chica mesa, the scattered areas containing southern tarplant on the Parkside property do not appear to be significant habitat for this species, and it is my opinion that these areas do not meet the definition of ESHA under the Coastal Act. In any case, if the amendment is modified as suggested, the gnatcatcher's habitat and the southern tarplant on site will be retained within the Open Space-Conservation designation.

The land use designations within the ESHA must be limited to the designation that allows only those uses dependent upon the ESHA. In addition, the land use designation within the buffer zone must be the designation that allows only those uses compatible with the continuance of the ESHA, and that will not degrade the ESHA. Furthermore, it is important to assure the continuance of the raptor community by reserving adequate foraging area. In fact, the California Department of Fish and Game (CDFG) provided statements to this effect in a letter to the City dated June 15, 1998 commenting on the Draft Environmental Impact Report for the Parkside project (see Exhibit ZZZ). In that letter, CDFG states that "...[a]gricultural areas, grasslands and wetlands are of seasonal importance to several species of raptors in Orange County by providing important, if not vital, staging and wintering habitat. These habitats also provide foraging areas for resident breeding raptors." CDFG goes on to express concern about the loss of raptor foraging areas within the project site and vicinity and the impacts such loss may have on the adjacent Bolsa Chica Ecological Reserve. However, CDFG didn't suggest any specific mitigation for this loss in this letter. **The wetland areas, their buffers as well as the ESHA buffers will provide some raptor foraging area. However, in recent years, CDFG has routinely recommended a mitigation ratio of 0.5:1 (preservation area to foraging area lost). Were this ratio applied at the subject site, about 17 acres of the subject site would need to be designated Open Space-Conservation just to mitigate the loss of foraging habitat of raptors.** As proposed, the LUP amendment would not preserve all ESHA areas **and would not reserve adequate foraging area** or provide required buffers and thus is not consistent with Section 30240 of the Coastal Act. In addition, because the proposed land use designations within and adjacent to ESHA do not limit the uses to those consistent with Section 30240 of the Coastal Act, the proposed LUPA is inconsistent with this Coastal Act requirement to protect ESHA. Therefore the amendment must be denied as proposed. However, if the proposed amendment were modified to land use designate all ESHA and necessary **foraging and** buffer area Open Space-Conservation as depicted on **3rd 4th** revised exhibit NN, the amendment would be consistent with Section 30240 of the Coastal Act.

The above referenced exhibit depicts all areas on site that are recommended for designation as Open Space-Conservation (OS-C). The recommended OSC area encompasses all known wetland areas on site and necessary buffer **and mitigation** area, all ESHA on site and the required buffers, **and includes the intermingled raptor foraging area.** By retaining adequate area on site as OS-C, a Residential designation on the remainder of the site could be found compatible with continuance of the ESHA.

~~Within the area that is recommended to be designated OSC, but that does not fall within existing or filled wetland, ESHA, or required buffer or mitigation area, a water quality natural treatment system (or equivalent) would be appropriate. An NTS would be appropriate in this area because it would provide habitat value, including raptor foraging area. The shallow water habitat would increase the variety of habitats within the OSC area, potentially contributing to biodiversity of the site.~~

It should be noted that construction of a flood protection levee within the ESHA buffer, provided it is the least environmentally damaging alternative, would not significantly degrade the ESHA. Alternatives that minimize encroachment into buffer area are preferred. According to the related coastal development permit application for the subject site and the project proponent, the type of flood protection levee to be constructed would be a vegetated flood protection feature (VFPF), essentially a vegetated earthen berm with an internal sheet pile wall. The VFPF would not be expected to degrade the ESHA because 1) there would only be temporary construction-related impacts, 2) once constructed, the VFPF would be planted, thus providing habitat, and, 3) the VFPF would not require maintenance once constructed, thus intrusions into the ESHA buffer due to the VFPF would be limited only to those necessary during construction. For these reasons locating a flood protection levee such as the vegetated flood protection levee described above within the ESHA buffer would be consistent with Section 30240 of the Coastal Act regarding protection of ESHA. The actual design and construction of the flood protection levee would depend on its location.

In addition to land use designating all ESHA area and necessary buffer and mitigation areas Open Space-Conservation, additional measures must be incorporated into the LUP amendment for the subject site to assure that future development does not adversely impact the ESHA. For example, fuel modification requirements necessary to protect future development from fire hazard must be addressed to assure habitat values within the ESHA and required buffer areas are not adversely affected. In addition, if no restrictions were placed on landscaping throughout the site, invasive plants within the residential areas could invade the ESHA areas, potentially displacing the ESHA plants. In addition, pets from the residential development, if unrestricted, may enter the ESHA area causing disruption. As proposed, the LUP amendment does not include any site development restrictions intended to eliminate the site development's potential disruptions to the ESHA, inconsistent with Section 30240 of the Coastal Act. However if modified to include a prohibition on invasive plants throughout the site, and a requirement for a domestic animal management plan, and fencing as part of the site specific LUP language, the amendment can be found consistent with Section 30240 of the Coastal Act. Specific suggested modifications to accomplish this are necessary to find the proposed amendment consistent with the Coastal Act.

Therefore, the Commission finds that only as modified can the proposed amendment be found to be consistent with Section 30240 of the Coastal Act.

4. Density

As proposed the amendment would allow a density of up to 7 dwelling units per acre on approximately 38 acres of the 50 acre site which would yield a maximum of 266 units on the area proposed to be designated residential. However, the related coastal development permit application contemplates just 170 detached single family homes on relatively large lots. The City has proposed a residential land use designation of RL (Residential Low, maximum of 7 units per net acre). However, the City's certified LUP includes a residential land use designation of RM (Residential Medium, from 7 to a maximum of 15 units per net acre). The Commission's suggested modifications necessary to protect coastal resources would reduce the allowable development footprint from the proposed approximately 38 acres to approximately 26.5 acres. If developed at the maximum allowed under RL, a total of 119 units would be the maximum number possible. This would still provide a viable use of the site. However density consistent with the RM designation would also be acceptable within the allowable development footprint. If the RM designation were applied to the site, the maximum total number of units possible would be 255 units, significantly more than the number currently contemplated by the property owner's development plan. Although 255 units are not guaranteed under the RM designation, the ability to establish more units under RM leaves the property owner with greater flexibility in determining the best use of its property.

It is worth noting that, although the project site abuts a low density, single family detached residential development to the north (along Kenilworth Drive and Greenleaf Avenue), there are also higher density multi family residential developments adjacent to and nearby the project site. The previously described Cabo del Mar condominium complex is adjacent to the subject site. Immediately to the north and west of Cabo del Mar are additional multi family residential developments. Thus developing at a higher density at the subject site would not be out of the scale or character of the surrounding development.

In addition, Section 30250 of the Coastal Act encourages residential development to be concentrated in areas able to accommodate it. The higher residential density allowed under the RM designation would allow development at the site to be concentrated in the northeast portion of the site, consistent with this Coastal Act requirement. Thus, a modification is suggested which would allow the City, at the time it considers accepting the suggested modifications recommended herein, to apply either the RL or the RM designation.

5. Water Quality

Section 30230 of the Coastal Act requires that marine resources be maintained, enhanced, and where feasible, restored. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters be protected. The City's certified LUP includes policies that reflect the requirements of 30230 and 30231 of the Coastal Act.

Development has the potential to adversely impact coastal water quality through the

removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, sediments, metals, cleaning products, pesticides, and other pollutant sources.

The 50 acre project site is currently undeveloped, with the exception of farming activities. Under existing conditions, no runoff leaves the site during most rainfall events. However, installation of impervious surfaces and activities associated with residential development and related hardscape represent a potentially significant impact to water quality downstream of the project, which include the Inner and Outer Bolsa Bay, Muted Tidal Pocket wetlands, Huntington Harbour, and Anaheim Bay Wildlife Refuge. These downstream areas are likely to suffer increases in water quality impairment when site development produces greater volumes and velocities of runoff as well as introducing increased pollutant loads.

It is important that LUP language for the subject site clearly address potential adverse impacts arising due to post development runoff into the channel and significant water bodies downstream. This is especially true because little or no runoff currently leaves the site during most rainfall events. However, the proposed amendment does not include such language. Without such language the LUP amendment is not consistent with the water quality policies of the Coastal Act.

The subject site represents an excellent opportunity to incorporate a natural treatment system, such as a wetland detention system. There are multiple benefits from natural treatment systems such as pollutant removal, groundwater recharge, habitat creation, and aesthetics. Furthermore, maintenance needs are typically more apparent and less frequent with natural/vegetative treatment systems and thus are more likely to remain effective than mechanical systems such as storm drain inserts and the like which can become clogged and otherwise suffer mechanical difficulties. If mechanical treatment control BMPs are not continually maintained they will cease to be effective, and consequently water quality protection would not be maximized.

Incorporating a natural treatment system, such as wetland detention pond system is feasible at the site. The site is an appropriate candidate for a natural treatment system because it is a large site unconstrained by existing development, limited lot size or limited by topography. There is plenty of space on the site to accommodate a wetland detention or similar type system while still allowing a reasonable development footprint. Moreover, because little or no drainage currently leaves the site, it is important that development of the site not result in creation of new adverse water quality impacts such as would result from increased runoff leaving the site. In order to achieve the goal of not creating new adverse water quality impacts, all dry weather flow would need to be retained on site to the maximum extent practicable. The best way to accomplish retention of dry weather flow on site typically is some type of natural treatment system. Furthermore, in order to protect water quality year round it is appropriate to impose a standard that any runoff that leaves the site must meet. The generally accepted standard for stormwater runoff is a requirement to treat at least the 85th percentile storm event, with at least a 24-hour

detention time. If dry weather runoff cannot be retained on site, it should be treated (e.g., detained for at least 48 hours and where practicable for seven days in a natural treatment system). The current LUP amendment does not require these site-specific water quality measures and standards. Therefore, there is no assurance that water quality will be protected. Consequently the amendment is not consistent with the water quality policies of the Coastal Act and must be denied.

In addition, although the existing LUP includes policies that require projects to incorporate water quality BMPs, none of the existing LUP policies express a preference for types of treatment control BMPs. The preferred option for treatment control BMPs is, first, a natural treatment system (e.g. bio-swales, vegetative buffers, constructed or artificial wetlands), then, second, a combination of natural treatment and mechanical systems or BMPs, and last, use of mechanical treatment systems or BMPs alone (e.g. site-specific water quality treatment plants, storm drain filters and inserts). In addition, application of appropriate site design and source control BMPs reduces the amount of runoff that would need treatment control measures. Thus, site design and source control BMPs should be considered first in order to adequately size any necessary treatment control BMPs.

In addition, the LUP does not contain any policy citing a hierarchy of preference for different types of BMPs. Without such an LUP policy, there is no guarantee they will be incorporated into projects when it is feasible to do so. Natural treatment systems, for the reasons described above, provide better water quality protection, among other benefits. Consequently the amendment is not consistent with the water quality policies of the Coastal Act and must be denied. However, if the amendment is modified as suggested to include this in LUP policy language, it would be consistent with the water quality policies of the Coastal Act.

The use of permeable materials for paved areas in new developments is a site design and source control measure which can reduce the rate and volume of the first flush of stormwater runoff and can help to minimize or eliminate dry weather flow. The proposed amendment does not include any discussion on the benefits of incorporating permeable materials into the design of future projects. However, if the amendment is modified as suggested to include this in LUP policy language, it would be consistent with the water quality policies of the Coastal Act.

In addition, as proposed, the amendment does not include any requirements to minimize or eliminate dry weather flows through the use of site design and source control BMPs. Consequently, adverse water quality impacts due to dry weather flows are not minimized. However, if the amendment were modified as suggested to incorporate policy language addressing this measure, the amendment would be consistent with the water quality policies of the Coastal Act.

The current City of Huntington Beach LCP Policy 6.1.6 (paragraph 4) states that, the City shall continue implementation of the Municipal Non-Point [sic] Source National Pollution Discharge Elimination System (NPDES) standards program which is required by an order

of the Santa Ana Regional Water Quality Control Board. The policy also states that the City will continue to require a Water Quality Management Plan for all applicable new development and redevelopment in the Coastal Zone. The Commission finds this policy should be modified to include the correct name and date of the permit and to incorporate this permit by reference into the Local Coastal Program. Updates to the NPDES permit (such as the update expected in 2007) should be submitted to the Executive Director for an LCP amendment.

While the Commission recognizes that the City's existing policies address water quality protection and improvement within the City, it also recognizes that there are additional, more specific steps that could be taken to further protect, restore and/or enhance the water quality of downstream sites (EGGW flood control channel, Bolsa Chica wetlands restoration area, Huntington Harbour, and Anaheim Bay Wildlife Refuge) that will be effected by runoff generated by development of the site. The proposed amendment could not be found consistent with Sections 30230 and 30231 of the Coastal Act, if feasible measures known to positively impact water quality were not included in language specific to the subject site as part of the current amendment proposal. The Commission's standard of review, which requires the preservation, protection, and enhancement of coastal resources including water quality, necessitates that the additional measures, outlined above, be imposed. Thus, the Commission finds that only if modified as suggested is the proposed amendment consistent with Sections 30230 and 30231 of the Coastal Act regarding water quality.

6. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252 of the Coastal Act states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts, social and otherwise, of overcrowding or overuse by the public in any single area.

Coastal Act Section 30213 states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

In addition, the City's certified LUP contains the following policies regarding public access:

Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Encourage the use of City and State beaches as a destination point for bicyclists, pedestrians, shuttle systems and other non-auto oriented transport.

*Encourage the utilization of easements and/or rights-of-way along **flood control channels**, public utilities, railroads and streets, wherever practical, for the use of bicycles and/or pedestrian (emphasis added).*

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

Link bicycle routes with pedestrian trails and bus routes to promote an interconnected system.

Develop a riding and hiking trail network and support facilities that provide linkages within the Coastal Zone where feasible and appropriate.

Balance the supply of parking with the demand for parking.

Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.

Maintain and enhance, where necessary, the coastal resource signing program that identifies public access points, bikeways, recreation areas and vista points throughout the Coastal Zone.

Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Promote and support the implementation of the proposed Wintersburg Channel Class I Bikeway.

The provision of public access in new development proposals is one of the main tenets of the Coastal Act. This emphasis has been carried over into the City's certified LUP. In certifying the LUP, the Commission recognized, via the approved LUP policies, the importance of including measures such as providing and enhancing public access to the sea and other coastal resources, adequate parking and alternate means of transportation, low cost recreational uses, and public access signage, with new development.

The 50-acre site is located in close proximity to the Bolsa Chica wetlands restoration area (see exhibit BBBB). The Bolsa Chica Wetlands, at approximately 1,000 acres, is the largest remaining wetland in Southern California. Because it is tidally influenced, the Bolsa Chica wetlands constitute "sea" according to the Coastal Act definition (Section 30115). Because there is no public road between the subject site and the Bolsa Chica wetlands, the site is between the sea and the first public road. As such, the area is given special significance with regard to the requirement for the provision of public access. Given the prominence of the adjacent Bolsa Chica wetlands, appropriate public access and passive recreational opportunities must be provided and conspicuously posted. Further, the Coastal Act gives priority to land uses that provide opportunities for enhanced public access, public recreation and lower cost visitor recreational uses.

Beyond the Bolsa Chica wetlands restoration area is the Pacific Ocean and its sandy public beaches. Thus, public access across the subject site to the Bolsa Chica area

would, in turn, facilitate public access, via alternate means of transportation (bicycle and pedestrian), to the ocean beach beyond.

It is also worth noting that the visitor serving uses available within the Bolsa Chica reserve (such as walking, nature study, or bird watching) are served by only two small parking areas. One located at the Interpretive Center at the corner of Warner Avenue and Pacific Coast Highway, and the second at about the midway point along the reserve's Pacific Coast Highway frontage. There is no public parking available along Pacific Coast Highway adjacent to the reserve. Thus, the benefits of providing alternate forms of transportation to access the area, such as biking or hiking from inland areas, are substantially increased. The lack of adequate parking to serve the reserve area is also a limiting factor in maximizing public use of the reserve's amenities. Assuring that any future streets within the subject site are public and provide public parking is critical to maximizing public access in the area.

It is also important to note that the Brightwater residential development, approved by the Coastal Commission under Coastal Development Permit No. 5-05-020 (Brightwater), is located less than one half mile west of the subject site. That development was originally proposed as a private, guard gated community. However, as approved by the Commission the development will be open to general public vehicular and pedestrian access, also allowing public parking on all subdivision streets. Also, as approved by the Commission the development will include a public trail along the bluff edge of the development, with public paseos and pocket parks throughout (see exhibit BBBB). The Commission's approval also required public access signage.

In approving the Brightwater development the Commission found:

"The provision of public access in new development proposals is one of the main tenants [sic] of the Coastal Act, especially in conjunction with new development located between the sea and the first public road, such as the subject project. The 225-acre Bolsa Chica Mesa is located between the first public road and the mean high tide of the sea. At roughly 50 ft. above mean sea level, spectacular views of the wetlands and the associated wildlife and uninterrupted views of the Bolsa Chica State Beach and Pacific Ocean are available from the upper bench of the Bolsa Chica Mesa. Santa Catalina Island is also often visible from the project site. The Bolsa Chica Wetlands at approximately 1,000 acres is the largest remaining wetland in Southern California. Following the 1997 State acquisition of most of the remaining wetlands that were under private ownership, a comprehensive Bolsa Chica wetlands restoration effort is now underway. Given the prominence of the adjacent Bolsa Chica wetlands, appropriate public access and passive recreational opportunities must be provided and conspicuously posted. Further, the Coastal Act gives priority to land uses that provide opportunities for enhanced public access, public recreation and lower cost visitor recreational uses."

A trail connection between the Brightwater trail system and the East Garden Grove

Wintersburg Flood Control Channel levee trail is also anticipated in the future and shown on the approved public access plan for the Brightwater development. The public access trails of the approved Brightwater project link to the trail system along the Bolsa Chica wetlands and beyond. These trails, in addition to providing recreational opportunities also provide significant opportunities for nature study and views of the wetlands and ocean beyond. The Bolsa Chica Ecological Reserve public trail system is a public access resource of regional significance. Members of the general public come from throughout the entire County of Orange and beyond to bird watch, hike, or bike the trail system. As the largest remaining wetland in Southern California, the public trail system leading to and within the Bolsa Chica area constitutes a resource of statewide significance. Further, Bolsa Chica State Beach, located across Pacific Coast Highway from the Bolsa Chica wetland area, can be accessed via this trail system.

The proposed LUP amendment contains no language to assure public access will be provided throughout the site in conjunction with future site development. Although the certified LUP includes (as listed above) strong public access policies, the proposed LUP amendment does not include any public access language specifically addressing public access needs appropriate for the site, taking into consideration the recreational needs of both the new residents and other users of the adjacent public recreational resources. Specifically identifying the necessity of these provisions in the LUP is especially important at the subject site due to its unique position to link with and expand the very significant public trail systems within the Bolsa Chica Ecological Reserve, the Brightwater development, and the public beaches beyond. In order to assure that access is maximized at the time of future site development, specific language addressing access in the site specific section of the LUP is necessary. As proposed, no such language is included in the LUP amendment. Some specific methods for assuring the provision of public access at the subject site are described further below.

a) Bicycle Path

The subject site is immediately adjacent to the north levee of the East Garden Grove Wintersburg Flood Control Channel (EGGWFC). The County's Commuter Bikeways Strategic Plan (the regional bikeways plan for Orange County) identifies a Class I bikeway along the flood control channel. This is also reflected in the City's certified LUP. Figure C-14, Trails and Bikeways Map in the certified LUP identifies a proposed bikeway along the EGGWFCC adjacent to the site. A letter from the County's Public Facilities & Resources Department dated January 8, 1998 (exhibit J) states:

"Regarding the City's proposal to continue the Class I bikeway northerly along the Wintersburg Channel to Graham Street: The County supports this. It would provide an excellent bikeway connection between the City's road system and the off-road wetlands perimeter route. (We suggest referring to this entire route – between Graham Street and PCH – as the Bolsa Chica Bikeway)."

In addition, a letter from the County's Public Facilities & Resources Department, dated

February 13, 1998 (exhibit J) commenting on a proposed tentative tract map for the subject site, states:

"A bicycle trail along the CO5 [East Garden Grove-Wintersburg Channel] north levee maintenance road will be required."

A bike route in this area would provide substantial public access benefits. It is encouraged in existing LUP policies. It would provide a connection between existing inland routes and the Bolsa Chica area and is expected to be extended in the future along the remainder of the EGGWFCC levee adjacent to the Bolsa Chica Restoration area. When such an extension occurs (as is anticipated in the City's LUP and by the County Public Facilities & Resources Department), the bike route would eventually link to the coast. An off road bicycle path already exists along the entire length of the City's ocean fronting beach. A bike path at the subject site and along the remainder of the EGGWFCC would provide a new connection from inland bicycle paths to this coastal path. Not only would such a bicycle path provide substantial public recreational benefits, but it would also improve public access opportunities by providing alternate means of transportation to get to the coast and to the trails within the Bolsa Chica area. The City and the County have both indicated that a bicycle path in this location is desirable and appropriate. However, the proposed LUP amendment does not include any language specific to this site assuring that implementation of the bicycle trail will occur prior to or concurrent with site development. Current LUP policy merely states "promote" and "encourage" the bicycle path's implementation. Therefore there is no assurance that it will be built in a timely manner, or perhaps that it will be built at all. Thus, the amendment as proposed cannot be found to be consistent with Sections 30210, 30213 and 30252 of the Coastal Act regarding maximizing public access.

b) Public Streets and Parking

In addition, if the residential development that the proposed land use designation would allow were to be a private and/or gated development, public access would not be maximized or enhanced, inconsistent with Sections 30210, 30212.5, 30223 and 30252 of the Coastal Act. All public entry controls such as gates, gate/guard houses or other guarded entry, signage that discourages access and any other restrictions on the general public's entry by and use of any streets or parking areas (e.g. private streets, preferential parking districts, resident-only parking periods/permits, etc.) would constrain the public's ability to access the area proposed as public park as well as the public's ability to access the public bike path along the EGGWFCC levee. In turn, public access to the Bolsa Chica area and ocean beyond would also not be provided. As stated previously, the site is between the first public road and the sea (in this case the Bolsa Chica wetlands). The provision of public parking within the area would allow visitors to begin a bike ride or walk along the levee, through the Bolsa Chica area, and on to the ocean front. Public streets and public parking within the residential area would not only support public recreational use in the vicinity of the subject site but also allow visitors from beyond the immediate vicinity to use the park area, and public recreational and open space resources in the

Bolsa Chica area.

In addition, ungated public streets would facilitate the use of interior public trails within the development. Interior trails would further maximize, support and enhance public access opportunities. Public trails could be established leading from Graham Street to the outer edge of the area recommended to be designated Open Space conservation, and from within the development back onto the bike way along the north levee of the EGGWFCC. Establishing such trails would provide an excellent public access experience consistent with the requirements of Sections 30210, 30212.5, 30213, 30223 and 30252 to maximize and enhance lower cost public recreational and public access opportunity with new development and assure adequate support facilities are provided. The provision of interior trails within a future development at the site would be especially consistent with Section 30252's requirement that non-automobile circulation be provided within the new development.

In order to assure that this aspect of public access (the provision of public parking within an ungated residential area with public streets and interior trails) is provided at the time the site is developed, language reflecting this must be incorporated into the LUP. However, no such language is proposed as part of the LUP amendment. Thus the amendment cannot be found to be consistent with Sections 30210, 30212.5, 30213, 30223 and 30252 of the Coastal Act regarding maximizing and enhancing public access.

c) Provision of Recreation and Public Access Benefits

Residential development of the subject site that would occur pursuant to the proposed amendment would have adverse impacts on public access and recreation unless the above described measures are incorporated into the design of a future project. In order to assure maximum public benefit, the public recreation and access measures would need to be provided in a timely manner. However, nothing in the proposed amendment or in the City's LUP currently requires that lower priority developments (such as residential) be phased to assure the provision of those uses that are a higher priority under the Coastal Act (such as public trails, parks, and parking) occur prior to or concurrent with the lower priority development. Without such a phasing requirement, it is difficult to assure that necessary public benefits would occur in a timely manner, or possibly even at all. Thus, as proposed, the amendment is inconsistent with Sections 30210, 30212.5, 30213 and 30252 of the Coastal Act regarding maximizing and enhancing public recreation and access.

Coastal Act Section 30210 requires that public coastal access be maximized. Coastal Act Section 30252 requires that public access be maintained and enhanced through the provision of nonautomobile circulation within the development, adequate parking, and adequate recreational opportunities. These requirements are carried over and re-emphasized in the City's Land Use Plan public access policies. As proposed the LUP amendment would allow significant residential development to occur with no corresponding requirement for public access specific to the site. The site is located between the sea and the first public road.

Although a portion of the site is proposed to be designated park, nothing in the proposed amendment would assure that it would be available to the general public via public streets and trails. The certified LUP identifies a Class I bicycle path along the flood control channel levee at the subject site. However, the proposed amendment makes no reference to the suitability of a bicycle path at the subject site. If a future residential development at the site included gates or private streets, a significant public access opportunity would be lost. In addition, public parking in the area would increase public access opportunities to public resources including the park area, the bicycle path, the public trails of the Brightwater development and to the Bolsa Chica area beyond, as well as, ultimately, to the coast. However, there is nothing in the LUP amendment that would require the residential streets to be open and available to the public. Nor is there any requirement for interior trail connections between Graham Street, any future public park areas, and the bicycle path to areas within the development and beyond. In addition, nothing in the proposed amendment or in the City's LUP requires that lower priority developments (such as residential) be phased to assure provision of associated recreation and public access (such as public trails, parks, and parking) occur prior to or concurrent with the lower priority development. Without such a phasing requirement, it is difficult to assure that Coastal Act high priority uses would occur in a timely manner, or possibly even at all.

However, the proposed amendment could be modified such that site specific language in the LUP include reference to the Class I bicycle path along the flood control channel levee, interior trail connections, public parking and access on residential streets. This would allow direct public access throughout the site, the public trails within the Brightwater development and the Bolsa Chica area and to the beach beyond. Furthermore, the proposed amendment could be modified to incorporate a policy requiring phasing of recreation and public access uses prior to or concurrent with lower priority uses. Modifications to accomplish these goals would bring the proposed amendment into conformity with Coastal Act Sections 30210, 30212.5, 30213, 30223 and 30252 which require that public access and recreation be maximized and enhanced. Therefore, the Commission finds that only if modified as suggested is the proposed amendment consistent with Sections 30210 and 30252 of the Coastal Act.

7. Visual Resources

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The subject site offers the opportunity to provide public views from the site to the Bolsa Chica wetlands area and toward the ocean beyond. The VFPS would provide an excellent opportunity to provide public views to and along the coast and scenic areas, as required by Section 30251. However, the proposed LUP amendment does not include any discussion regarding provision of public view points in association with development of the site.

Future residential development of the site is expected to include a wall separating residential development adjacent to the flood control levee from the anticipated public

bicycle path along the top of the levee. If such a wall is proposed in the future, it could create adverse impacts to public views along the bicycle path. However, adverse impacts could be minimized by incorporating measures such as open fencing/wall, landscaped screening, use of an undulating or off-set wall footprint, or decorative wall features (such as artistic imprints, etc.), or a combination of these measures. In addition, any such wall should be located upon the private property for which it is intended to provide privacy.

The proposed amendment does not provide language to address site specific visual impacts and does not assure that potential visual resources will be protected at the time the site is proposed for development. Therefore the proposed amendment is inconsistent with Section 30252 of the Coastal Act regarding protection of visual resources within the coastal zone and must be denied. However, if the amendment were modified to incorporate measures specific to the site that protect and enhance public views, the amendment would be consistent with Section 30252 of the Coastal Act regarding protection of public views.

8. Archaeological Resources

Coastal Act Section 30244 requires that any impacts to significant archaeological resources be reasonably mitigated. The City's certified LUP includes policies which require, among other things, identification of resources and mitigation of any impacts. Significant archaeological resources are known to exist in the project vicinity, and may occur on the subject site.

However, the proposed LUP amendment does not include a specific requirement to avoid and/or mitigate archaeological impacts, even though the site is known to be in a potentially significant archaeological area. Without a cross reference in the site specific area discussion of the proposed LUP amendment to the archaeological policies in the LUP, there is no assurance that the potential for archaeological resources to occur on the site will be recognized in conjunction with future development proposals. If the potential for archaeological resources at the site is not recognized in the proposed LUP amendment for the site, application of the policies cited above may be overlooked. The proposed LUP amendment, which specifically addresses the subject site, provides the appropriate opportunity to make clear that archaeological resources may be present on this site, and therefore these specific policies must be applied.

If the amendment were modified to include a cross reference to the archaeological policies of the LUP, adverse impacts may be avoided and reasonable mitigation for unavoidable impacts could be implemented in conjunction with future site development, consistent with Section 30244 of the Coastal Act. Therefore, the Commission finds that only if modified as suggested, is the proposed amendment consistent with Section 30244 of the Coastal Act which requires that reasonable mitigation be required for adverse impacts to archaeological resources.

9. Hazards

Coastal Act Section 30253 state, in pertinent part:

New Development shall:

- (2) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (3) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed LUP amendment would designate much of the subject site for residential development land use. The Commission's staff geologist has reviewed a great deal of technical information submitted in conjunction with the proposed LUP amendment and related coastal development permit application. Potential geotechnical and hydrological issues are identified in the staff geologist's memo. The staff geologist's memo is attached as exhibit I, and is hereby incorporated by reference as if fully set forth herein.

Residential development of the site carries with it certain risks. Although information submitted relative to the related coastal development permit application indicates there are feasible mitigation measures available to minimize the level of risk involved with site development, there is no specific requirement in the proposed amendment to assure that measures necessary for risk reduction would be incorporated into future site development. Without such requirements in the amendment, there is no assurance that risks will be minimized as required by Section 30253 of the Coastal Act. However, if the amendment were modified to include such a requirement, it would be consistent with Section 30253 of the Coastal Act.

The subject site and much of the surrounding area are susceptible to tidal flooding. Tidal flooding could occur when extreme high tides occur concurrently with storm surge events. According to some studies, the existing tidal flooding risk was increased with the opening of the ocean inlet into the Bolsa Chica Restoration area. Regardless of the cause of the flooding, high tides and storm surge will create tidal flooding. The worst case scenario would occur when high tide and storm surge occurs during failure of the levees of the lower reaches of the East Garden Grove Wintersburg Flood Control Channel (EGGWFC) (which is possible as the levees are not FEMA certified). Under any of these scenarios, up to 170 acres of inland developed area would be flooded. Consequently, contemplation of any development of the subject site must address this flooding issue.

With or without development of the subject site, the inland 170 acres of existing development must be protected from flood hazard. The path the tidal flooding would follow unavoidably crosses the subject site. The only way to adequately insure protection of the

inland 170 acres of existing development is to install a flood protection levee (a.k.a. VFPF) on the subject site or to the southwest of the subject site within the Bolsa Chica "Pocket Wetlands" between the EGGWFCC and the Bolsa Chica mesa. Protection of the inland 170 acres would also protect the 50 acre subject site from flooding.

The property owner has indicated, in documents submitted with the related coastal development permit application, that a vegetated flood protection feature (VFPF) is proposed. The EGGWFCC is approximately 11 feet above sea level and the bluff at the western site boundary raises some 40 feet above sea level. A flood protection levee at this site could effectively capture tidal floods if it is constructed to an elevation above the expected flood flow. The existing EGGWFCC levee in the area adjacent to the subject site is expected to be reconstructed to meet FEMA certification standards and would have an elevation of 11 feet above sea level (the existing levee's elevation is also 11 feet above sea level). If a flood protection levee were constructed to the same elevation, flood waters would be prevented from flooding the subject site as well as the additional 170 inland acres. With or without development of the proposed site, some form of flood protection is necessary to minimize risks to life and property in areas of high flood hazard and to assure stability and structural integrity, and not contribute significantly to destruction of the surrounding area. As it happens, the subject site provides the optimum location for the flood protection levee necessary to minimize risk to life and property in the 170 developed acres inland of the subject site.

Construction of some type of flood protection levee would be necessary with development of the subject site. However, such a feature would be necessary even without site development. The flood protection levee, expected to be constructed as an earthen levee with an internal sheet pile wall, would serve an important function. Without construction of the flood protection levee, even with reconstruction of the north levee of the EGGWFCC along the subject site, flooding of 170 inland acres (including the subject site) would result, during either a tidal surge or a levee failure downstream of the subject site. The 170 acre inland area is developed with approximately 800 homes. Floodwater depth in some homes, it is estimated, would be at least two feet.

However, construction of a flood protection levee on the site would be adequate to assure structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In addition, construction of the flood protection levee would minimize risks to life and property from flood hazard. In order for the flood protection levee to function effectively, it would have to be placed within the site's necessary buffer areas. However, as described previously, a flood protection levee in the ESHA or wetland buffer area may be an allowable use within a buffer provided it is the least environmentally damaging feasible alternative.

Furthermore, the construction of the flood protection levee may eliminate the need for the flood control levee downstream of the flood wall. If the flood control levee downstream of the flood wall is not reconstructed, potential impacts to wetlands in the CP wetland area can be avoided. The appropriateness of reconstructing the downstream levee area will be

considered when the related coastal development permit is processed. It should be noted that an emergency coastal development permit was issued to the County of Orange to install sheet pile within the north levee of the flood control channel adjacent to the subject site. However, the County has indicated it is willing to consider alternatives that limit changes to the levee downstream if such an alternative is deemed feasible and environmentally desirable. Construction methods proposed by the County to install the sheetpiles will not involve any wetland fill. Impacts to coastal resources may occur which will be addressed in the follow-up permit.

The question of whether the bluff along the western edge of the property should be considered a "coastal bluff" has been raised. The Commission's staff geologist has evaluated the bluff's status. The staff geologist's evaluation is contained in a memorandum attached as exhibit P. The subject bluff was carved by the ancestral Santa Ana river as it meandered across the Bolsa Chica lowlands. Assertions have been made that the bluff was subject to marine erosion within the past 200 years based on an 1873 T-sheet that shows tidal channels adjacent to the toe of the bluff. The staff geologist's response to these assertions is: "I concur that there is strong evidence that there were tidal wetlands in the Bolsa Chica lowlands prior to dike construction in the early twentieth century, but tidal wetlands generally are not the site of extensive marine erosion. Indeed, they are commonly depositional, not erosional, and serve as an efficient buffer from marine erosion." The staff geologist concludes: "In summary, I believe that the bluff at the Shea Home property is best described as a river bluff and is not a coastal bluff in a genetic or geomorphic sense." Thus, the Commission finds that the bluff on the subject site is not a "coastal bluff."

For the reasons described above, the Commission finds that only if modified can the proposed amendment be found to be consistent with Section 30253 of the Coastal Act which requires that risks to life and property be minimized and that development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

10. Priority of Use

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The LUP amendment does not propose to designate any portion of the site visitor serving commercial. Generally, in the City of Huntington Beach, the areas recognized as best for visitor serving commercial development are the areas along Pacific Coast Highway, and adjacent to and inland of the pier, and areas within and around Huntington Harbour. The subject site is surrounded on three sides by existing single family residences, and does not

lend itself to visitor serving commercial development. Moreover, the LUP amendment as proposed and as amended will provide a Class I bicycle path, a public view area, public park area, and interior trails as well as public parking along the residential streets. Such uses constitute lower cost visitor serving recreational uses. As modified the recreational and public access provisions will be constructed prior to or concurrent with the residential uses. Therefore, the Commission finds that the proposed LUP amendment is consistent with Sections 30213 and 30222 of the Coastal Act which requires visitor serving commercial recreational facilities have priority over residential development and encourages provision of lower cost public recreational facilities.

11. Conclusion

As proposed, the Land Use Plan amendment contains significant deficiencies with regard to consistency with the Coastal Act. As proposed, the amendment cannot be found consistent with Sections 30210 and 30252 regarding maximizing and enhancing public access, 30251 regarding protection of public views, 30233 and 30250 regarding wetlands, 30240 regarding ESHA, 30244 regarding archaeological resources, and 30230 and 30231 regarding water quality of the Coastal Act. However, if the proposed amendment were modified as suggested in Section II of this staff report, the amendment would be consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that only if modified is the proposed amendment consistent with the Chapter 3 policies of the Coastal Act.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP LUP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Huntington Beach LCP amendment 1-06 consists of an amendment to both the Land Use Plan (LUP) only and the Implementation Plan (IP).

As outlined in this staff report, the LUP amendment is not consistent with the Chapter 3

policies of the Coastal Act regarding public access and recreation, wetland, ESHA, marine resources, and land resources, as proposed. ~~And also as outlined in this staff report, the proposed IP amendment is inconsistent with the wetland and ESHA protection policies of the certified Land Use Plan as modified.~~ However, if modified as suggested, the amendment will be consistent with the public access and recreation, wetland, ESHA, marine resource, and land resource policies of the Coastal Act and the Land Use Plan, as amended. Thus, the Commission finds that the proposed LUP amendment, as modified, meets the requirements of and conforms with the Chapter 3 policies of the Coastal Act. ~~In addition, the Commission finds that the IP amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LUP.~~ Therefore, the Commission finds that approval of the LCP LUP amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP LUP amendment request 1-06 if modified as suggested herein.

APPENDIX B
REVISED MITIGATION MONITORING PROGRAM - 2008

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
LAND USE COMPATIBILITY								
The affordable units are currently off-site within the City, therefore the Mitigation Measure has been satisfied.	<p>1. <i>Prior to recordation of a final tract map, the applicant must satisfy the City’s policy requiring 10 percent of proposed units to be affordable. This requirement must be satisfied to the discretion of the City Department of Planning through one of the following methods:</i></p> <p><i>a. Pay a fee to the City, if such a process is available;</i></p> <p><i>b. Participate with other developers or a non-profit organization to acquire and/or rehabilitate existing apartment units at any off-site location within a suitable area and provide for continued affordability; or</i></p> <p><i>c. Provide the required affordable units at one of Shea Homes’ future multi-family projects within the City of Huntington Beach.</i></p> <p>This mitigation measure has been satisfied.</p>	N/A	N/A	N/A	N/A	N/A		
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, may result in inconsistencies with the City’s Affordable Housing Policy.	Mitigation Measure 1 above has been implemented.	N/A	N/A	N/A	N/A	N/A		
AESTHETICS / LIGHT AND GLARE								
The City-approved/CCC-revised may be perceived as having a substantial, demonstrable, negative aesthetic effect due to the reduction of viewable open space areas.	1. Prior to approval of building permits, the applicant shall provide proof of incorporation of City comments / conditions related to the overall proposed design and layout of buildings, and landscaping. This design and layout of buildings shall be approved by the City Department of Planning.	Prior to approval of building permit	Applicant	Plan Check	City option to implement as needed	Planning Department		
	2. Prior to issuance of building permits, the applicant shall submit a landscaping plan for the area outside the perimeter wall along Graham Street to be reviewed and approved by the City Department of Planning.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
The City-approved/CCC-revised project would not result in the removal of eucalyptus trees and therefore mitigation measure 3 would not be required.	3. <i>Prior to approval of building permits, the applicant shall provide a Landscape Plan to be approved by the Department of Public Works and the Department of Planning, which includes the replacement of all mature trees on the site at a 2:1 ratio with 36-inch box trees.</i> This measure was not applicable to 2002 approved or revised project. No eucalyptus trees will be removed.	N/A	N/A	N/A	N/A	N/A		
The proposed project may result in impacts to County-proposed trails.	4. Prior to approval of building permits, the applicant shall submit a bikeways plan to the City of Huntington Beach Planning Department, in consultation with the Manager of the County PFRD/HBP Program Management and Coordination, for approval of consistency with the Orange County Bikeway Plan.	Prior to approval of building permit	Applicant	Plan Check	Once upon completion	Planning Department		
LIGHT AND GLARE								
On-Site The project’s development will increase the generation of light and glare on-site with on-site vehicle-related increases. In addition, the proposed project may result in an impact on the surrounding residential developments primarily to the north, and to some extent, to the east.	1. Prior to the approval of building permits, the applicant shall prepare a plan, which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the City Planning and Public Works Departments. 2. Prior to the approval of building permits, if outdoor lighting is to be included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. 3. Non-reflective materials shall be utilized to the extent feasible. Individual building site plans shall be reviewed and approved by the City Planning and Public Works Department.	Prior to approval of building permits	Applicant	Plan Check	Once upon completion	Planning and Public Works Department		
		Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed			
		Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed			
Off-Site Lighting from the proposed development may result in light and glare impacts to adjacent off-site uses.	Mitigation Measures 1 through 3 above shall be implemented.							

REVISED MITIGATION MONITORING PROGRAM - 2008

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		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
TRANSPORTATION / CIRCULATION								
The proposed project will result in short-term construction related impacts due to the addition of truck and construction vehicle traffic. Depending on the location of the haul route, traffic impacts along the selected route may occur.	1. Prior to the issuance of grading permits, the applicant shall coordinate with the City of Huntington Beach in developing a truck and construction vehicle routing plan (including dirt import haul route). This plan shall specify the hours in which transport activities can occur and methods to minimize construction related impacts to adjacent residences. The final plan shall be approved by the City Engineer.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
The proposed project may result in impacts to pedestrian, bicycle, and vehicular safety related to the establishment of access and an on-site circulation system.	2. Prior to the final inspection, the applicant shall construct a traffic signal and improve the intersection at the proposed “A” Street and Graham Street.	During construction	Applicant	Final inspection	Once upon completion	City Engineer		
	3. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.	Prior to issuance of building permits	Applicant	Construction Review	Once upon completion	City Engineer		
	4. Prior to the final inspection, the applicant shall be responsible for restriping Graham Street from Glenstone to the project access (“A” Street) as follows: <ul style="list-style-type: none"> ▪ Two 7 foot bikelanes; one 12' through lane in each direction, and a 14' two-way left turning median. <p>Additionally, the applicant shall be responsible for restriping Graham Street from “A” street to Warner Avenue, as follows:</p> <ul style="list-style-type: none"> ▪ Two 7 foot bikelanes, one 18' through lane in each direction, and a 14' two-way left turning median. <p>The improvements shall be approved by the City Engineer.</p>	During Construction	Applicant	Final inspection	Once upon completion	City Engineer		

REVISED MITIGATION MONITORING PROGRAM - 2008

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The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will result in level of service deficiencies at the intersections Bolsa Chica Street and Warner Avenue and Graham Street and Warner Avenue under the year 2020 condition.	<p>5. Prior to final inspection, the applicant shall pay the applicable Traffic Impact Fee (TIF) for the City of Huntington Beach. The actual allocation shall be approved by the City. Appropriate credits shall be granted toward the TIF. The TIF shall cover the project’s fair share of year 2020 improvements to the arterial street system such as:</p> <ul style="list-style-type: none"> ▪ <u>Bolsa Chica Street/Warner Avenue</u> – reconfigure intersection for east/west traffic to provide dual left turns and either three throughs or two throughs and an exclusive right turn lane. This deficiency is a product of cumulative growth and not a direct result of the proposed project. ▪ <u>Graham Street/Warner Avenue</u> – reconfigure intersection to provide an exclusive southbound right turn lane from Graham Street to Warner Avenue. This deficiency is a product of cumulative growth and not a direct result of the proposed project. 	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	City Engineer		
AIR QUALITY								
The proposed project is anticipated to exceed SCAQMD’s daily threshold emission levels for NO _x during construction activities. Further, the addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	<p>1. During grading and construction, the applicant shall be responsible for compliance with the following:</p> <p>A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune.</p> <p>B. After clearing, grading, earth moving, or excavation:</p> <ol style="list-style-type: none"> 1) Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind. 2) Spread soil binders; and 3) Implement street sweeping as necessary. 	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	<p>C. During construction:</p> <p>1) Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site;</p> <p>2) Wet down areas in the late morning and after work is completed for the day;</p> <p>3) Use low sulfur fuel (.05% by weight) for construction equipment.</p> <p>D. Phase and schedule construction activities to avoid high ozone days.</p> <p>E. Discontinue construction during second stage smog alerts.</p>							
	<p>2. During grading and construction, the applicant shall be responsible for compliance with the following (or other reasonably equivalent measures as required by the City Engineer):</p> <p>A. Require a phased schedule for construction activities to minimize daily emissions.</p> <p>B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.</p> <p>C. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days).</p> <p>D. Require the planting of vegetative ground cover as soon as possible on construction sites.</p> <p>E. Install vehicle wheel-washers before the roadway entrance at construction sites.</p> <p>F. Wash off trucks leaving site.</p> <p>G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides.</p> <p>H. Use vegetative stabilization, whenever possible, to control soil erosion from storm water especially on super pads.</p> <p>I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials.</p>	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning and Public Works Departments		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	<p>J. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards.</p> <p>K. Use electricity from power poles rather than temporary diesel or gasoline power generators when practical.</p>							
	3. During grading and construction, the applicant shall be responsible for assuring that vehicle movement on any unpaved surface other than water trucks shall be terminated if wind speeds exceed 15 mph.	During grading and construction	Applicant	Grading / Construction Review	City option to implement as needed	Planning / Public Works Departments		
	4. During grading and construction, the applicant shall be responsible for the paving of all access aprons to the project site and the maintenance of the paving.	During grading and construction	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
	5. Prior to issuance of grading permits, the applicant shall be responsible for assuring that construction vehicles be equipped with proper emission control equipment to substantially reduce emissions.	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		
	<p>6. Prior to issuance of grading permits, the applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Public Works Department, shall include, as appropriate:</p> <ul style="list-style-type: none"> ▪ Provision of rideshare incentives. ▪ Provision of transit incentives for construction personnel. ▪ Configuration of construction parking to minimize traffic interference. ▪ Measures to minimize obstruction of through traffic lanes. ▪ Use of a flagman to guide traffic when deemed necessary. 	Prior to issuance of grading permits	Applicant	Grading / Inspection	City option to implement as needed	Planning / Public Works Departments		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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The City-approved/CCC-revised project would not exceed SCAQMD’s daily threshold emission levels for CO and ROC, however mitigation measures 7 & 8 would still apply to reduce the alternative project’s long-term incremental contribution to the air quality impact.	7. Prior to the final inspection, the applicant shall provide proof to the City’s Traffic Engineer that the project has contributed its ‘fair-share’ towards regional traffic improvement systems (i.e., traffic impact fees) for the area. This shall include efforts to synchronize traffic lights on streets impacted by project development.	Prior to issuance of building permits	Applicant	Building permit issuance	City option to implement as needed	Planning and Public Works Departments		
	8. Prior to the final inspection, the applicant shall provide proof that energy saving features have been installed in project homes as required by the Uniform Building Code. Features may include: solar or low-emission water heaters, energy efficient appliances, double-glass paned windows, low-sodium parking lights, etc.	Prior to plan check	Applicant	Final inspection	City option to implement as needed	Planning and Public Works Departments		
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in a short-term air quality impact due to construction activities. The addition of emissions to an air basin designated as non-attainment is considered under CEQA to be a significant impact.	Mitigation Measures 1 through 6 above shall be implemented.							
The proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, will result in significant cumulative long-term impacts to air quality.	Mitigation Measures 7 and 8 above shall be implemented.							
NOISE								
The proposed project has the potential to result in significant short-term noise impacts during exterior and interior construction activities.	1. Prior to issuance of grading permits, the applicant shall submit and have approved a noise mitigation plan to the Department of Planning that will reduce or mitigate short-term noise impacts to nearby noise sensitive. The plan shall comply with the City of Huntington Beach Noise Ordinance and shall include, but not be limited to: A. A criteria of acceptable noise levels based on type and length of exposure to construction noise levels; B. Physical reduction measures such as temporary noise barriers that provide separation between the source and the receptor; temporary soundproof structures to house portable generators; and C. Temporary generators (if utilized) shall be located as	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	far as practical from sensitive noise receptors. D. Mitigation measures such as restrictions on the time of construction for activities resulting in high noise levels.							
	2. Prior to issuance of grading permits, the applicant shall produce evidence acceptable to the City Engineer that: A. All grading and construction vehicles and equipment, fixed or mobile, shall be equipped and maintained with effective muffler systems that use state of the art noise attenuation. B. Stockpiling and/or vehicle staging areas shall be located as far as practicable from sensitive noise receptors. C. All operations shall comply with the City of Huntington Beach Noise Ordinance.	Prior to issuance of grading permits	Applicant	Grading Permit Review/ Construction Review	City option to implement as needed	City Engineer		
Based on the distance of on-site and off-site homes to the park and the barriers included as part of the recommended project (i.e., passive paseo park and slope), the proposed recommended project is not anticipated to result in significant noise impacts from recreational activities at the proposed park site.	3a. <i>Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along the project’s northern property (along the rear property line of lot #103 to lot #123 on Kenilworth Drive and the side property lines of lots #125 and #126 on Greenleaf Lane of Tract 5792) will be constructed to achieve maximum sound attenuation.</i> This mitigation measure is no longer applicable to the revised project due to CCC suggested modifications that reduced active park from 8.4 acres to 1.6 acres. 3b. Prior to issuance of grading permits, the applicant shall produce evidence (specifications) acceptable to the City that the new walls, if constructed, along Graham Street (along the project’s boundary adjacent to the proposed homes) will be construction to achieve maximum sound attenuation.	N/A Prior to issuance of grading permits	N/A Applicant	N/A Grading Permit Review/ Construction Review	N/A City option to implement as needed	N/A Planning Department		
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will not result in a significant incremental increase (0.8 dBA) in traffic noise	Mitigation Measure 3 above is no longer applicable to revised project.							

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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levels in the year 2020. Noise levels in excess of 65 CNEL are not anticipated considering the sound reduction effects of the proposed wall along the northern property line and along Graham Street.								
EARTH RESOURCES								
Significant settlements of peat deposits within the upper 5 feet could continue over the design life of the structures without mitigation in the form of removal and/or surcharge.	1. Prior to the issuance of a grading permit, the recommendations contained in Section 7.0 of the geotechnical study, located in Appendix E of the EIR shall be incorporated into the earthwork activities of the proposed project to the satisfaction of the City Engineer. Earthwork activities include grading, clearing and demolition, site preparation, unsuitable soil removals, backcuts, excavation processing, compaction of all fills, mixing, benching, inspection, survey control, subgrade preparation, cut and fill slope construction, haul roads, import soils, structural load and settlement/subsidence measures, and storm drain relocation.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
	2. Prior to the issuance of a building permit, the recommendations contained in Section 8.0 of the geotechnical study, located in Appendix E of the EIR, shall be incorporated into the structural design of the proposed project to the satisfaction of the City Engineer. Structural design activities include: Foundation Design; Settlements including Foundation Loads and Seismically Induced Settlements; Post-Tensioned Slab/ Foundations; Mat Foundations; Other Foundation Recommendations such as Footing Embedment, Underslab Treatment, and Subgrade Moisture Content; Concrete Driveways, Sidewalks, and Flatwork; Structural Setbacks; Retaining Walls; Other Design and Construction Recommendations such as Lot Drainage, Utility Excavations, Utility Trench Backfill, Corrosion, Metallic Structures, and Concrete Structures.	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	City Engineer		
The potential exists for significant impacts from the on-site mildly to severely corrosive soils, soils with poor pavement support characteristics, low shear strength, and shrinkage.	Mitigation Measures 1 and 2 above shall be implemented.							

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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Potential impacts may result from ground shaking.	Mitigation Measures 1 and 2 above, and 3. Prior to issuance of a building permit, it shall be proven to the Department of Building and Safety that all structures are designed in accordance with the seismic design provisions of the Uniform Building Codes or Structural Engineers Association of California to promote safety in the event of an earthquake.	Prior to issuance of building permit	Applicant	Plan Check	City option to implement as needed	Building and Safety Department		
Potential impacts may result associated with Liquefaction and Seismic Settlement.	Mitigation Measure 1 above shall be implemented.							
The proposed local dewatering may result in subsidence of adjacent properties along the project’s northern property boundary.	4. Prior to the issuance of grading permits, the applicant shall contract with a dewatering expert to prepare a detailed Dewatering Plan. This plan shall include the placement of monitoring wells near the northern property line to evaluate ground water levels during the proposed project dewatering activities. The dewatering activities shall be adjusted immediately if the monitoring wells show ground water level changes which may effect subsidence of adjacent properties. The Dewatering Plan shall be reviewed and approved by the Department of Public Works.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
Groundwater impacts may occur.	Mitigation Measure 4 above shall be implemented.							
The potential exists for impacts from hazardous materials to occur.	5. Prior to the issuance of a grading permit, Phase II environmental soil sampling shall be conducted to determine the residual levels of pesticides in the soil. If inappropriate/unsafe levels are identified by this analysis, “clean up” measures shall be recommended and implemented. The Phase II sampling and any necessary measures shall be approved by the Department of Public Works. 6. Prior to the final inspection, testing to verify the estimated radon gas levels shall be implemented as deemed necessary by the Department of Planning.	Prior to issuance of a grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
		During construction	Applicant	Final inspection	City option to implement as needed	Planning Department		
DRAINAGE / HYDROLOGY								
The proposed project may result in potential impacts to drainage.	1. Prior to the issuance of building permits, the project applicant shall implement conditions of the Public Works Department regarding storm drainage improvements	Prior to issuance of building permits	Applicant	Building Permit Review	City option to implement	Public Works Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	which shall include, but not be limited to: <ul style="list-style-type: none"> ▪ Construct the necessary storm drainage improvements (identified on Exhibit 42 within the EIR) to handle increased flows and intercept off-site flows. ▪ Ensure that future building pads are placed at elevations suitable to withstand 100-year flood. ▪ Construct the necessary improvements to the East Garden Grove – Wintersburg Channel (C05) along the site’s developed edge. 				as needed			
The proposed project may result in potential impacts associated with flooding.	Mitigation Measure 1 above shall be implemented.							
The proposed project may result in potential impacts to water quality.	2. Prior to issuance of any grading permits, the applicant shall submit a “Notice of Intent” (NOI), along with the required fee to the State Water Resources Control Board to be covered under the State NPDES General Construction permit and provide the City with a copy of the written reply containing the discharger’s identification number.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
	3. Prior to the issuance of the grading permits, the applicant shall provide a Water Quality Management Plan showing conformance to the Orange County Drainage Area Management Plan and all NPDES requirements (enacted by the EPA) for review and approval by the City Engineer. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions which are appropriate.	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	City Engineer		
The proposed project would contribute to potential cumulative drainage, flooding, and water quality impacts.	Mitigation Measures 1 through 3 above shall be implemented.							
BIOLOGICAL RESOURCES								
The proposed project may result in impacts to affected species locally and regionally.	1. If project grading construction is scheduled during the normal breeding season for red-tailed hawk and other raptors locally (February to July), a survey shall be conducted for active nests. Prior to the issuance of	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Planning Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	grading permits, should any active nests be located within the zone of potential disturbance, construction activities shall be limited to areas 500 feet away from the nest until the young have fledged and have begun foraging away from the nest site. The 500 foot protection zone shall be fenced with visible warning-color materials. Nest trees shall be removed during the non-breeding season only.							
<p>The “originally” proposed project may result in potential impacts to pocket wetland habitats on the County parcel.</p> <p>The City-approved/CCC-revised would not result in removal impacts to the County parcel wetland habitats and therefore mitigation measure2 would not be required.</p>	<p>2. <i>Wetland impacts to the isolated pocket wetlands shall be mitigated at a ratio of 4:1 (square footage of wetlands to square footage of fill). The Coastal Development Permit shall require that mitigation for the fill of the pocket wetlands be implemented prior to the issuance of a grading permit for the County Parcel. The mitigation site shall be on-site or within the Bolsa Chica Lowlands unless the Lowlands are sold to a new landowner and the new landowner is unwilling to allow the proposed mitigation to proceed. In such a case, the developer of the site shall find an alternative mitigation site. The total mitigation for the loss of two small patches of degraded pickleweed habitat shall include the preservation and enhancement of 2 acres of appropriate wildlife habitat per the Department of Fish and Game.</i></p> <p>This mitigation measure was not applicable to 2002 approved or revised project. There will be no development within the County parcel.</p>	N/A	N/A	N/A	N/A	N/A		
The project, in conjunction with other past, present, and reasonably foreseeable future projects, will incrementally contribute to the cumulative loss of biological resources.	Mitigation Measure 2 above is no longer applicable.							

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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CULTURAL RESOURCES								
The proposed project may result in a significant impact on archaeological sites CA-ORA-1308 and 1309.	1. Prior to issuance of a grading permit, the applicant shall conduct a subsurface test investigation for CA-ORA-1308 and 1309 to determine the horizontal boundaries of the sites as well as to confirm the surface conclusions of non-significance as indicated in the March, 1997 Archeological Assessment. This may be accomplished through the mechanical excavation of a number of auger holes as well as two 1x1-meter hand excavated units for stratigraphic control. The subsurface test investigation, which includes discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimate, shall be submitted to the Planning Director for review and approval.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		
	2. Prior to issuance of a grading permit, the applicant shall create (if deemed necessary through Measure 1 above) a cultural resource management plan based on test results. A full data recovery program shall be designed if site avoidance is not feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary. The plan shall include consultation with the appropriate Native American Organization and be reviewed and approved by the Planning Director. Additionally, the plan shall require peer review in conformance with the Coastal Commission’s Archeological Guidelines.	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		
	3. Prior to issuance of a grading permit, the applicant shall provide written evidence that a certified archaeologist has been retained, shall be present at the pre-grading meeting/conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. The archeological resource surveillance procedures shall include a provision for Native American review of grading operations. If additional or unexpected archaeological features are discovered, the archeologist shall report such findings to the applicant and to the Department of Planning and the appropriate Native American Organization. If the	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Planning Director		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the applicant, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.							
The proposed project in conjunction with other past, present, and reasonably foreseeable future projects will incrementally contribute to the cumulative loss of potentially significant cultural resources.	Mitigation Measures 1 through 3 above shall be implemented.							
PUBLIC SERVICES AND UTILITIES								
Implementation of the above measures will mitigate all project-specific impacts to public services and utilities to a level less than significant.	<u>Fire</u> 1. Prior to approval of building permits, building plans shall be submitted to and approved by the Fire Department. If during the Fire Department’s plan check it becomes evident that fireground operations will become impeded, the department will impose additional fire code requirements in addition to the automatic sprinkler systems, alarm systems, access roads, etc.	Prior to approval of building permits	Applicant	Plan Check	City option to implement as needed	Fire Department		
	<u>Police</u> 2. Prior to issuance of building permits, the Police Department shall be consulted during preliminary stages of the project design to review the safety features, determine their adequacy, and suggest improvements.	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Police Department		
	3. During construction and at complete buildout, the project shall provide easy access into and within the project site for emergency vehicles and addresses shall be well marked to facilitate response by officers. Prior to the first final inspection, project site plans depicting these requirements shall be reviewed and approved by the Police Department.	During construction and at complete buildout and during plan check	Applicant	Construction	Once upon completion	Police Department		
	<u>Schools</u> 4. Prior to issuance of building permits, the applicant shall provide school fees to mitigate conditions of overcrowding as part of building permit application. These fees shall be based on the State fee schedule in effect at the time of building permit applications.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in " <i>italics</i> " have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	5. Prior to issuance of building permits, the applicant shall show proof of compliance with the Mitigation Agreement established between the Huntington Beach Union High School District, subject to the approval of the City of Huntington Beach.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
	<p><u>Water</u></p> <p>6. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the development proposed on the City parcel, which addresses the following:</p> <p>a. <u>Water demand required by project</u> (fire flow demand as determined by the Fire Department)</p> <p>b. <u>Master Plan/General Plan Amendment (GPA) review</u> The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the Water Master Plan was adopted).</p> <p>The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a minimum of 30 days in advance. If the analysis shows that project demands cannot be met with the City's current water system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City.</p>	Prior to issuance of grading permits	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		
	7. Prior to final inspection, the following water conservation measures shall be implemented as required by state law:	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		
	<p>a. Ultra-low-flush toilets</p> <p>b. Ultra-low-flow showers and faucets</p> <p>c. Insulation of hot water lines in water recirculating systems</p> <p>d. Compliance with water conservation provisions of the appropriate plumbing code</p>							

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
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	8. Prior to final inspection issuance, water pressure regulators to limit downstream pressure to a maximum of 60 psi shall be installed.	Plan Check	Applicant	Final inspection	Once upon completion	Public Works Department		
	9. Prior to issuance of building permits, pervious paving material shall be used whenever feasible to reduce surface water runoff and aid in groundwater recharge and slopes and grades shall be controlled to discourage water waste through runoff.	Prior to issuance of building permit	Applicant	Plan Check	Once upon completion	Public Works Department		
	10. Prior to final inspection, the applicant shall provide information to prospective residents regarding benefits of low water use landscaping and sources of additional assistance in selecting irrigation and landscaping.	CC&R review	Applicant	Prior to final map recordation	Once upon completion	Public Works Department		
	11. The Water Division and Park, Tree, and Landscape Division of the City’s Public Works Department shall be consulted during design and construction of the Park for further water conservation measures to review irrigation designs and drought tolerant plant use, as well as measures that may be incorporated into the project to reduce peak hour water demand.	During design and construction	Applicant	Plan Check / Construction	City option to implement as needed	Public Works Department		
	12. Prior to issuance of grading permits, the developer shall submit a hydraulic computer water model analysis for the portion of the project to be developed on the County parcel, which addresses the following: a. <u>Water demand required by project</u> (fire flow demand as determined by the Fire Department) b. <u>Master Plan/General Plan Amendment (GPA) review</u> The City of Huntington Beach Water (Master Plan) System Computer Model (i.e. H2ONET) must be run with the proposed land use demands (i.e. GPA), and contrasted with the model run using the existing land use demands, (i.e. the General Plan, in effect at the time the current Water Master Plan was adopted). The City of Huntington Beach Water Division must be contracted to perform this analysis on the existing City of Huntington Beach Water System Model (H2ONET), for a fee to be paid by the developer a	Prior to issuance of grading permit	Applicant	Grading Permit Review	City option to implement as needed	Public Works Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	minimum of 30 days in advance. The developer shall be required to upgrade the City’s system to meet the demands and/or otherwise mitigate the impacts of the project proposed development on the County parcel, at no cost to the City. Any incremental impacts to the City’s water system would need to be mitigated to the satisfaction of the Department of Public Works - Water Division.							
The annexation of the County parcel into the City of Huntington Beach and to the OCSD occurred subsequent to certification of the Final EIR. Thus, the requirements of Mitigation Measure 13 have been satisfied, and there is no change in the conclusion of the Final EIR that this impact is reduced to below a level of significance with implementation of mitigation.	<i>13. Prior to the issuance of building permits, for any lot within the parcel within the County of Orange, the applicant shall show proof from LAFCO of approval of annexation of the County parcel into the City of Huntington Beach and the Orange County Sanitation District, subject to the approval of the City Planning and Public Works Departments.</i> This Mitigation Measure has been satisfied.	N/A	N/A	N/A	N/A	N/A		
	14. Irrigation systems within the Park, which minimize water waste, shall be used to the greatest extent possible. Such measures should involve, where appropriate, the following features: a. Raised planters and berming in conjunction with closely spaced low volume, low angle (22 ½ degree) sprinkler heads. b. Drip irrigation c. Irrigation systems controlled automatically to ensure watering during early morning or evening hours to reduce evaporation losses. d. The use of reclaimed water for irrigated areas and grass lands. The project applicants shall connect to the Orange County Water District’s “Green Acres” system of reclaimed water should this supply of water be available. Separate irrigation services shall be installed to ease this transition.	Prior to issuance of building permits	Applicant	Plan Check	City option to implement as needed	Planning & Public Works Departments		
	15. Landscape and irrigation plans for the Park which encourage minimized use of lawns and utilize warm season, drought tolerant species shall be submitted to and approved by the Water Division and Park, Tree, and Landscape Division.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
	<u>Sewer</u> 16. Prior to the issuance of building permits, the property owner (Shea Homes) shall construct the new sewer lift station and force main in accordance with the City-approved Sewer Plan for the proposed project, and implement conditions of the Public Works Department regarding sewer infrastructure improvements to handle increased sewer flow demands.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	<u>Natural Gas</u> 17. Prior to issuance of building permits, the Southern California Gas Company or designated natural gas provider shall be consulted with during the building design phase for further energy conservation measures	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
	<u>Electricity</u> 18. Prior to issuance of building permits, SCE shall be consulted with during the building design phase for further energy conservation measures.	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project will create increased demand for public services and utilities on a local and regional basis. Additionally, the project, in conjunction with other past, present and reasonably foreseeable future projects, will create an increased demand on fire, police, schools, community services, water, sewer, natural gas, and electrical services and facilities.	Mitigation Measures 1 through 18 above shall be implemented.							

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
FROM INITIAL STUDY / NOP								
NATURAL RESOURCES / ENERGY								
The proposed project may result in impacts to natural resources and energy.	<p>1. Building design and construction shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code. Prior to approval of building permits for the Specific Plan, architectural and engineering plans shall be subject to the review and approval of the Director of Building and Safety to ensure conformance with these standards. Energy conservation features should include:</p> <ul style="list-style-type: none"> • Installation of thermal insulation in walls and ceilings, which meet or exceed State of California, Title 24 requirements. • Insulation of hot water pipes and duct systems. Use of natural ventilation where possible. • Use of natural gas for space heating and cooking. Installation of ventilation devices. • Orientation to sunlight and use of overhangs. • Landscaping with deciduous trees, to provide shade in the summer months and allow sunlight through in the winter months. 	Prior to approval of building permits	Applicant	Plan Check	Once upon completion	Director of Building and Safety		
Public Services and Utilities								
The proposed project may result in impacts regarding the need for new telephone service to the site.	<p><u>Telephone</u></p> <p>1. Prior to issuance of building permits, building plans shall be submitted to GTE enabling GTE to assess the improvements necessary to provide adequate service to the project site.</p>	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Public Works Department		
The proposed project may result in impacts to library facilities and services.	<p><u>Library</u></p> <p>1. The applicant shall provide development fees to mitigate conditions of increased demand as part of building permit application. These fees shall be based on the City fee schedule in effect at the time of future building permit applications.</p>	Prior to issuance of building permits	Applicant	Building Permit Issuance	Once upon completion	Planning Department		

REVISED MITIGATION MONITORING PROGRAM - 2008

DESCRIPTION OF IMPACT 2002 CITY-APPROVED / 2008 CCC- REVISED PROJECT	MITIGATION MEASURES Those measures in <i>“italics”</i> have been met or are not applicable.	IMPLEMENTATION		MONITORING			VERIFICATION OF COMPLIANCE	
		PHASE	IMPLEMENTOR	PHASE	FREQUENCY	MONITOR	SIGNATURES	DATE
FROM INITIAL STUDY / NOP								
The proposed project may result in impacts to solid waste disposal services and facilities.	<u>Solid Waste Disposal</u>	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Director		
	1. To reduce the proposed project’s impacts on waste disposal facilities, project designs shall develop a means of reducing the amount of waste generated both during construction and when the project is in use. The waste reduction program shall be approved by the Planning Director prior to issuance of building permits. Potential ways of reducing project waste loads include implementation of recycling programs, and use of low maintenance landscaping when possible (i.e., native vegetation instead of turf).	Prior to issuance of building permits	Applicant	Plan Check	Once upon completion	Planning Department		
	2. Rainbow Disposal shall be contacted during the design stage of project components to ensure the most efficient and economical means for rubbish removal. The designs shall include rubbish enclosures, projected travel areas, and turnabouts where necessary.							

APPENDIX C
PARKSIDE ESTATES SUSTAINABILITY PROGRAM

Parkside Estates Sustainability Program

Item	Provided by Shea	Per Plan Type	Buyer's Option	Comment
Site				
Install "first flush" sediment control system (CDS and NTS) to clean site and adjoining condos	√			Protects storm drainage channels and streambeds
Use native / drought-tolerant plant species in common-area landscaping	√			Reduces water consumption
Install "smart" advanced capability irrigation controllers (Weather-Trac) in common areas	√			Reduces water consumption
Construction				
Recycle job site construction and demolition waste	√			Reduces material sent to landfill
Implement construction site stormwater practices	√			Protects storm drainage channels and streambeds
Reduce vehicle track-out of soil from site	√			Protects against run-off and provides dust control
Rinse basins for cleaning of concrete trucks	√			Protects against concrete discharge
Incorporate fly ash or slag cement in concrete foundations	√			By-product from coal-burning power plants reduces Portland Cement content and material going to landfill
Slab designed to minimize offsite trucking of excess soil	√			Reduces trucking from site
Framing				
Use engineered lumber for beams	√			Renewable resource
Use engineered floor joist	√			Renewable resource
Use engineered roof truss	√			Renewable resource
Use engineered Oriented Strand sheathing for floors and roofs	√			Renewable resource
Use roofing material with 40-year or greater lifespan	√			Reduces replacement which reduces need for new materials and waste
Use fiber cement siding		√		Reduction in overall wood usage, reduces replacement which cuts need for new material; less paint maintenance reduces paint emissions
Plumbing				
Install low-flow showerheads	√			Reduces water consumption
Install water-efficient sink faucets	√			Reduces water consumption
Install water-efficient toilets	√			Reduces water consumption

Parkside Estates Sustainability Program

Item	Provided by Shea	Per Plan Type	Buyer's Option	Comment
Install recirculation hot water systems		√	√	Reduces water consumption
Alternative water piping system from copper (Cross-linked polyethylene PEX pipe)	√			Reduces the mining and refining of copper; eliminates the possibility of copper pipe corrosion and slow water leaks
Appliances / Fixtures				
Install Energy Star dishwasher	√			Reduces energy consumption
Install Energy Star refrigerators (where provided)			√	Reduces energy consumption
Install Energy Star washing machine (where provided)			√	Reduces energy consumption
Install pin type compact fluorescent lamps for hardwired fixtures (kitchens)	√			Reduces energy consumption
Install photo or motion sensors on exterior lighting fixtures	√			Reduces energy consumption
Install kitchen recycle bins	√			Provides better consumer usage
HVAC				
Engineered HVAC system	√			Increased efficiency of system
Test duct work for leakage	√			Increased efficiency of system
Install high-efficiency HVAC equipment with SEER rating of 13 or higher	√			Reduces energy consumption Note: higher ratings could be offered as options
Bath fan with humidity sensor, motion sensor or timer		√		Provides for better air quality
Install TXV valve on air conditioning system	√			Reduces energy consumption
Windows				
Install vinyl frame windows with dual pane low emissivity glass	√			Increased energy efficiency.
Indoor Air				
Use low-volatile organic compound (VOC) interior paints	√			Reduces emissions into the atmosphere
Use water-based wood finishes	√			Reduces emissions into the atmosphere
Use low-VOC construction adhesives	√			Reduces emissions into the atmosphere
Low- or formaldehyde-free insulation	√			Provides for better indoor air quality
Natural gas clean-burning fireplace		√		Reduces emissions into the atmosphere
Potential Option Programs				
Photovoltaic solar systems			√	Reduces energy consumption

Parkside Estates Sustainability Program

Item	Provided by Shea	Per Plan Type	Buyer's Option	Comment
Solar water heating system			√	Reduces energy consumption
Air purification systems			√	Provides for better air quality
Radiant heat roof sheathing			√	Reduces heat in attics
Increased insulation			√	More efficient
Whole-house fans			√	Alternative house cooling
Increases in SEER levels of HVAC equipment			√	Reduces energy consumption
Carbon monoxide alarms			√	Provides alert of indoor quality issues
Consumer Education Materials				
Storm Water Pollution Prevention guidelines for homeowners	√			Consumer education
Landscape planning guides for proper irrigation and run off control	√			Consumer education

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