

CALIFORNIA COASTAL COMMISSION

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



Click here to go to
original staff report

January 7, 2014

W 24a

ADDENDUM

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Wednesday, January 8, 2014, Item W24a, City of Huntington Beach Major Amendment Request No. 1-12 (HNB-MAJ-1-12) (Ridge), Huntington Beach, Orange County.

A. Corrections to the Staff Report

1. Correction to the Summary of Staff Recommendation

The Summary of Staff Recommendation begins at the bottom of page 1 of the staff report and carries over to the top of page 2. Inadvertently, only the portion of the staff recommendation that recommends denial of the LCP amendment as submitted was included in the summary. However, as is reflected in the Executive Summary, the motions, the findings and the suggested modifications in the remainder of the staff report, Commission staff is recommending denial of the LCPA **as submitted**, and **approval** of the LCPA **if modified as suggested**. To accurately reflect the summary of the staff recommendation, the following language (***bold, italic, underline***) should be added to the staff report under the heading Summary of Staff Recommendation, on page 2, as a new paragraph following the paragraph beginning “*The proposed amendment would allow . . .*” and preceding the line that states “*The motion to accomplish the staff recommendation is found on pages 7 - 9.*”

Add the following language:

However, if the amendment were modified as described in greater detail in the findings and suggested modifications of this staff report, the amendment could be found to be consistent with the Chapter 3 policies of the Coastal Act and consistent with and adequate to carry out the policies of the City’s certified Land Use Plan. The modifications necessary to achieve the required Coastal Act and LUP consistency include:

- 1. A requirement that the Goodell property is irrevocably offered for dedication in fee title to a governmental or non-profit entity, and that the offer is required to be accepted before the land use designation could change, and that the offer is restricted for passive, public open space uses;**
- 2. Establish a new Subarea on Table C-2 of the City’s LUP to specifically identify the restrictions and requirements applicable to conditional land use designations of the Ridge**

Property and describe the role played by the Goodell Property and its relationship to the Ridge Property's land use designation;

3. *Designate that area of the Ridge property that contained the illegally removed pre-historic house pit and all area within 50 feet of the house pit Open Space – Conservation;*
4. *Require a Cultural Resources Protection Plan, including the requirement to carry out controlled, shallow layer grading prior to construction grading so that any remaining significant cultural resources can be detected with minimal disturbance and the project redesigned to leave those resources in place;*
5. *Require that all area on the Ridge Property known at this time to be needed for habitat buffer area be land use designated Open Space – Conservation;*
6. *Require that the reduced habitat setbacks be allowed on the Ridge Property only with construction of a minimum six foot high masonry wall between the sensitive habitat and any future development on the Ridge Property;*
7. *Require that new Land Use Plan Figures be added to the Land Use Plan/Coastal Element reflecting the requirements above;*
8. *Require preparation and consideration of current Biological Assessments for both the Ridge and Goodell Properties be submitted with the coastal development permit application for any future development on the Ridge Property;*
9. *Require that if the Biological Assessments reveal additional habitat on either the Ridge and/or the Goodell Properties, the residential development footprint on the Ridge Property will be modified as necessary to protect the habitats;*
10. *Add open space parks uses to the list of allowable uses in the Residential Agriculture zone.*

2. Corrections to Suggested Modification No. 1

Suggested Modification No. 1 (New Subarea 4M), near the bottom of page 13 of the staff report, identifies the recommended setback distance from coastal sage scrub habitat incorrectly. That language should be changed as indicated below. The recommended setback distance is accurately reflected in the findings of the staff report. (Additions are shown in **bold, italic, underline** text; deletions are shown in ~~**bold, strike through**~~ text).

However, the 300 foot Northern Eucalyptus ESHA buffer may be reduced to one hundred fifty (150) feet and the coastal sage scrub buffer may be reduced to ~~**fifty (50)**~~ **twenty (20)** feet if a minimum six (6) foot high masonry wall is constructed at the edge of development on the Ridge Property.

B. Response to Letters from Ridge Property Owner

The applicant, the City of Huntington Beach, has not sent a written response to the staff recommendation. The owner of the Ridge Property, Signal Landmark, has sent two response letters: one from Signal Landmark dated 1/3/14 referencing the second letter from the property owner's legal consultant Manatt, Phelps, Phillips, also dated 1/3/14. Both letters were received in the Commission's South Coast District office on 1/6/14. Both letters are attached hereto. The letter

Addendum
Huntington Beach LCPA 1-12 Ridge
Page 3

from Manatt, Phelps, Phillips contains the detailed response to the staff recommendation and so Commission staff will respond to that letter.

Although, the letter often uses the term “proposed,” in fact, none of what the property owner suggests is actually proposed by the amendment. Even if adopted by the Commission, the property owner’s “alternative” language would actually be suggested by the Commission. Thus, if the land uses at the Ridge and Goodell Properties did not occur as currently expected by the property owner, the burden of proof to support the “alternative” language, should there be a future legal action, would fall on the Commission, not on the City or on the property owner.

In effect, under the Ridge property owner’s “alternative” language, the Commission would take on the legal burden of restricting development on the Ridge Property if the permanent restrictions on the Goodell Property are not imposed prior to the land use designation change. As described in the staff report, the property owner has other options to pursue that could allow approval of a residential project at the Ridge Property concurrently with extinguishment of development potential on the Goodell Property. However, the Ridge property owner has chosen not to pursue either of the other options.

[Headings below are from the Manatt letter of 1/3/14.]

1. Background: City’s LCPA Submitted in 2010

This section of the Manatt letter appears to suggest that the time frame for processing this LCP amendment has been excessive. However, although the Ridge LCPA was originally submitted for Commission action on August 17, 2010, it was not complete as submitted. Additional information was necessary to: 1) establish whether the requested change from the higher priority Open Space – Parks land use designation to residential could be consistent with the Coastal Act; 2) to understand the history of archaeological work conducted at the site and whether enough information was known to determine whether significant cultural resources would be expected at the site; and, 3) to know the extent of habitat on-site and whether habitat off-site would require a setback on-site. To obtain this additional information, letters requesting this information were sent on 8/31/10; 12/13/10; 3/9/11; 9/18/11.

Although the amendment request was deemed complete on 9/23/11, the information submitted in response to the above requests did not support recommending approval of the requested land use designation change from Open Space - Parks to Residential Low Density. In discussions with City staff and the property owner to let them know that Commission staff would be recommending denial of the amendment, the property owner introduced the possibility of linking the subject Ridge Property with the adjacent Goodell Property. At that time, the City was actively processing the annexation of the Goodell Property into the City. In order to avoid a denial recommendation and to process a re-submitted LCP amendment that would include a mechanism to link the Ridge and Goodell Properties, the City withdrew the first Ridge LCP amendment request on October 25, 2012. Commission staff was prepared to schedule the amendment request for Commission action at the Commission’s November 2012 hearing, but the City and property owner preferred not to proceed with a denial recommendation.

At the time the original LCPA amendment request was withdrawn, it was with the understanding that the re-submitted amendment would include the annexed Goodell Property, or provide some other binding mechanism of linking the two sites in the re-submittal. At the time, linking the two properties was supported by City staff, Commission staff and the property owner. However, the amendment was resubmitted with no changes on 11/2/12, just eight days after it was withdrawn. No mechanism to tie the two sites together was included, and no changes to the amendment request were included.

Commission staff has been clear throughout the amendment process that there are significant concerns with tying the two sites together via suggested modifications. A more reasonable approach, especially after the first LCPA request was withdrawn, would have been for the City to make the changes to the amendment and then re-submit the amendment. But, for whatever reasons, the City chose not to do that. Instead, Commission staff has been put in the position of crafting the modifications necessary to find the proposed land use designation change consistent with the priority land use, cultural resources and habitat protection, and public access policies of the Coastal Act. As such, Commission staff has drafted the suggested modifications necessary to assure that the requested land use designation change can be found to be consistent with the Coastal Act and carry out the City's certified Implementation Plan.

2. Rezoning the Ridge and Protecting the Goodell Site

All parties do not agree that the Ridge site should be designated both Open Space – Parks and Residential. Commission staff's suggested modifications would retain the Open Space – Parks designation on the Ridge Property until after the Goodell Property is permanently restricted. Commission staff's recommended suggested modifications do *not* suggest both land use designations be effective at the same time. Rather, the suggested modifications would provide a trigger for when the land use designation change from one use to the other would occur.

a. Staff's Suggested Modifications Are Infeasible

Staff does not believe the suggested modifications are infeasible, as described in greater detail in the staff report. In any case, the property owner has the option of pursuing a consolidated coastal development permit that could allow, if deemed appropriate at that time, approval of a residential project at the Ridge Property subject to a "prior to issuance" special condition requiring development potential be extinguished on the Goodell Property.

b. The Alternative Suggested Modifications Assure Protection of the Goodell Site Before Residential Development on the Ridge Site Occurs

The property owner suggests, rather than the scenario outlined in the staff's suggested modifications, that the Commission impose modifications that would in effect impose a "prior to issuance" type restriction in the City's Land Use Plan. The issue with this approach is that the Ridge Property's land use designation would be changed from Open Space – Parks to Residential regardless of whether the restrictions occur on the Goodell Property. If the Goodell restrictions did

not occur, limiting or denying a future project that is consistent with the new, lesser priority Residential land use designation would be much more difficult. Potentially, a property owner could argue that he/she could not meet the requirements of the LUP (based upon the “alternative” language suggested by the property owner). This puts the Commission in a much more difficult position. The “alternative” modifications suggested by the property owner could not be found to be consistent with the Coastal Act policies regarding priority of use, protection of cultural resources, and habitat protection. The property owner cites the Brightwater and Parkside projects as cases where the Commission’s actions were consistent with the “alternative” suggested modifications. However, both of those were processed by the Commission as coastal development permits. The subject Ridge case is an LCP amendment, not a coastal development permit. If this matter were being processed as a coastal development permit, the Commission would have the ability to impose conditions such as were imposed in the Brightwater and Parkside cases.

The Manatt letter further claims that the *Memorandum of Option* should address Commission staff’s concerns. The referenced *Memorandum of Option* was only submitted to Commission staff on January 6, 2014. It was recorded on August 8, 2012. It is not clear why the property owner chose to withhold this document until two days prior to the Commission hearing, thereby limiting staff’s ability to consider this information. Regardless, the *Memorandum of Option* clearly states that the option can be terminated¹. Furthermore, the document submitted does not include the *Option Agreement*, which is referenced in the document. It appears from the information submitted, that the details of the agreement are contained in the *Option Agreement*, which has not been produced for review by Commission staff. Rather, the *Memorandum of Option* simply “memorialize[s] the granting of the Option to Optionee [Signal Landmark] by Optionors [Goodell Family Trust] by recording this Memorandum of Option.” Furthermore, regardless of what is contained in the *Option Agreement*, such agreements can be terminated, possibly by a single party alone, but certainly when both parties agree.

The Manatt letter takes offense at the staff report making reference to a “verbal indication” or the fact that Signal Landmark “can obtain” an option to purchase the Goodell Property. Although a document was shown at a meeting, the document was not submitted and, furthermore, the property owner indicated it was “not to be made public.” Based upon Commission staff’s brief viewing of the document, it could not reasonably accept the option assertion based on this brief and cryptic demonstration.

The Ridge Property owner’s “expressed support and willingness to acquire the Goodell property” is not binding. Furthermore, Signal Landmark could sell or otherwise transfer the Ridge Property. No one can say with certainty what will happen in the future. Thus, the *Memorandum of Option* does not address Commission staff’s concerns.

¹ Memorandum of Option, Recitals, C. 3 – Termination of Option. As more fully set forth in the Option Agreement, the Option shall commence on the date this Memorandum is recorded in the Official Records of Orange County, California, and shall extend until the sooner to occur of (i) the date Optionee records a release of this Memorandum in the Official Records of Orange County, California, following Optionee’s election not to exercise the Option, or (ii) the date on which the close of escrow occurs on the Property in the event Optionee does elect to exercise the Option, all in accordance with the provisions of the Option Agreement.

3. Cultural Resources

The Manatt letter objects to the recommended definition for “significant cultural resource” as overly broad, and suggests instead use of the CEQA definition for “unique archaeological resources.” Commission staff’s recommended definition for “significant cultural resource” is intentionally broad, but it is not overly broad. The entire Bolsa Chica mesa, including the Ridge Property, is a unique and extremely significant cultural site based upon all that has previously been found there. The broadness of the definition is intended to capture any significant artifacts that remain on the site. The “alternative” definition would not include, for example, artifacts that contain information needed to answer important scientific research questions unless there is demonstrable public interest; and would also not include artifacts unless they are the oldest or best example of the artifact. The fact that ORA-83/ORA-86 is both a National and State Historic Resource recognized by the State Office of Historic Preservation and the numerous letters from Native Americans and others is a testament to the public interest. Furthermore, CEQA is not the standard of review for LCPs, so using a CEQA definition is not required.

The Manatt letter suggests that the most significant cultural site on the Bolsa Chica mesa, Cal-ORA-83, does not extend onto the Ridge Property. However, archaeologists consider CA-ORA-86 to be the northeastern continuation of archaeological site CA-ORA-83.

The Manatt letter also objects to the 50 foot setback from cultural resources recommended by Commission staff, instead suggesting a 10 foot setback. Their suggestion is based on the setback recommended by their archaeological consultant. However, despite requests from Commission staff, no justification or basis for the 10 foot setback was ever provided by the archaeological consultant. All that was submitted by the archaeological consultant regarding a setback, is a map with a rectangular shape around the area of the pre-historic house pit, actually representing a zero setback on the west and east sides and up to a 10 foot setback on the north side. Typically, a setback is imposed uniformly from the feature it is intended to protect. No explanation has been provided for the setback identified by the property owner’s archaeological consultant.

The intent of Commission staff’s recommended setback is two fold: 1. to provide a respectful distance from the house pit area which was entirely excavated without a permit, in recognition of its pre-historic significance and cultural value. It is important to recognize this past use and treat the significant cultural area with dignity and respect. And, 2. to protect in place any remaining artifacts that surrounded the prehistoric house pit structure. Cultural use areas often extend beyond the footprint of a dwelling. In addition, although the house pit was completely removed, the unpermitted archaeological excavations, although extensive, did not extend to the depth below which prehistoric deposits have been found elsewhere on the Mesa, except within the house pit footprint.

The Manatt letter asserts that the Ridge property was subject to a full archaeological mitigation program and the house pit is the only area where intact deposits have been found. Manatt then concludes that there is no evidence to support staff’s statement that scattered artifacts exist within 50 feet of the house pit. However, these same conclusions were assumed on the Brightwater project

area after more than two decades of investigations and excavations and it was only through archaeological grading, after that permit was issued, that nearly 80 additional prehistoric human burials and prehistoric animal burials were found. The (illegal) house pit excavation was the only excavation that extended to the depth at which these resources were found. Outside the footprint of the house pit no hand units, augers or trenching were excavated to the depth at which these resources were found. Therefore, staff concludes that the likelihood of extant artifacts on site, especially within the area surrounding the house pit, is high.

3. Other Issues Raised by the Staff Report

a. Habitat Buffer Clarification

The Manatt letter correctly points out an error on page 13 of the staff report. The correct buffer distance from coastal sage scrub with a minimum six foot high masonry wall is 20 feet. This has been addressed on page two of this addendum, under the heading *Corrections to Suggested Modification No. 1*.

The Manatt letter objects to imposition of a setback from restored habitat that is not yet in place (Parkside Habitat Management Plan (HMP)). Although the Parkside HMP has not yet been implemented, it is part of an approved coastal development permit. Implementation is expected to begin once the permit issues. The Parkside applicant has submitted the information required by the “prior to issuance” special conditions, and is waiting for Commission staff’s response on the last remaining conditions. Therefore, implementation of the HMP is imminent. In addition, as described in the staff report, the recommended setback has been reduced from the typically imposed greater setback distance in recognition of the fact that the habitat is to be restored.

b. Consolidated Processing of a CDP

The Manatt letter states that the consolidated coastal development permit was declined by the property owner not only due to the perceived time frame required, but also because Mr. Goodell would “not consent to any entitlement process that would result in the elimination of the residential designation from his property.” A consolidated coastal development permit would no more eliminate a residential designation on the Goodell Property than would the requested LCP amendment. Furthermore, if the special conditions of a consolidated coastal development permit are not acceptable to Mr. Goodell, he is not bound by the Commission’s action. The permit simply would not be issued. If, however, approval of a consolidated coastal development permit were approved subject to a special condition requiring that residential development may occur on the Ridge site only if the Goodell property were permanently restricted to passive open space uses, that would provide the Ridge property owner the assurance sought for purchasing the Goodell Property.

It is most important to note, however, that there is no land use designation or zoning on the Goodell property that has been certified by the Coastal Commission. It is not clear what “elimination of the residential designation” is referred to in the Manatt letter. It may be the City’s pre-Annexation zoning. However, any land use designation and zoning on the Goodell Property would require approval of the Coastal Commission, and that has not occurred.

5. Conclusion

The Manatt letter concludes with a request that the Commission adopt their “alternative suggested modifications.” The “alternative suggested modifications” were received electronically by Commission staff late Monday afternoon in a format that could not be opened. The responses contained herein are based on previous discussions with the City and property owner regarding the suggested modifications and on the information contained in the two letters dated 1/3/14.

C. Additional Letters/Emails Received

See attached.

D. Ex Parte Communications

See attached.

January 3, 2014

Client-Matter: 24970-031

Sherilyn Sarb
Teresa Henry
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802

**Re: City of Huntington Beach Major Amendment Request No. HNB-MAJ-1-12
(The Ridge) to the City's Certified Local Coastal Program
Hearing: January 8, 2014, Item W24a**

Dear Ms. Sarb and Ms. Henry:

This letter presents the comments of Signal Landmark ("Signal") on the City of Huntington Beach ("City") Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City's Certified Local Coastal Program ("LCPA"). Staff has presented the Commission with a number of suggested modifications that it would require be adopted in order to approve the Ridge LCPA. As staff notes, there are two issues of concern:

- The timing of the rezoning of the Ridge
- Consistency with Coastal Act Section 30244 to mitigate potential impacts to significant cultural resources

Our proposed Alternative Suggested Modifications to address each of these issues is enclosed, and request that the Commission staff review and recommend the adoption of these Alternative Suggested Modifications, and in the alternative that the Commission adopt these Alternative Suggested Modifications in approving the Ridge LCPA.

1. Background: City's LCPA Submitted in 2010.

Signal Landmark is the owner and developer of a proposed residential project known as "The Ridge" on approximately 5 acres in the City. In 2009, Signal Landmark requested a change in the property's land use designation from Open Space Park to Residential along with a change in the zoning from Residential Agriculture to Low Density Residential. In approving the General Plan amendment, the City determined that it did not need and was not planning to build another park in the area of the City where the Ridge property is located, and therefore, the Open Space Parks land use designation was no longer needed for park and recreational purposes. With respect to the zone change, the City determined that this was the only property (other than

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 2

existing Southern California Edison right-of-way) in the City zoned Residential Agriculture and this remnant zone should be changed. In July 2010, the City approved the Ridge project and the City submitted the Ridge LCPA to the Coastal Commission in August 2010.

In September 2012, Commission staff informed Signal that staff was prepared to recommend denial of the Ridge LCPA as submitted and recommended that the City and Signal withdraw the LCPA until such time as the adjacent 6.2 acre property in unincorporated Orange County that was owned by the Goodell Family Trust ("Goodell Property") could "catch up" to the Ridge in terms of land use entitlements. Once that occurred, both properties could then be considered at the same time by the Commission. Staff's rationale was that since the Ridge and Goodell Property were the last two properties at Bolsa Chica that did not have Coastal Commission-approved land uses, they should be considered together to facilitate comprehensive land planning.

Wanting to satisfy Coastal staff's desire for comprehensive planning on the last two parcels at Bolsa Chica, but unwilling to wait for the Goodell Property to go through years of local entitlement processing in order to be in a position for consideration by the Coastal Commission, Signal approached the Goodell Family Trust with an offer to buy their property. The Goodells and Signal were able to come to terms on a Purchase and Sale Agreement and Signal now holds an option on the Goodell property. (See Memorandum of Option enclosed.)

In October 2012, after discussions with Commission staff, the City and Signal agreed to withdraw and resubmit the Ridge LCPA for the purpose of allowing more time for the three parties to discuss how best to incorporate the Goodell Property into the Commission's consideration of the Ridge LCPA.

In discussions with the City and Coastal staff, Signal offered to deed restrict the Goodell Property once it was acquired by Signal in exchange for the Commission approving residential uses on the Ridge property. As a result of those discussions, Signal, the City and Coastal staff worked together to develop LCPA policies, land use, and zoning that would provide for residential development to occur on the Ridge only after a deed restriction was recorded over the Goodell Property permanently restricting the uses of the Goodell Property to open space uses. The City's Ridge LCPA was revised to respond to Commission staff's concern that the Ridge site should not be changed from Open Space to Residential unless and until the Goodell Property was permanently protected as Open Space.

Coastal staff agrees with Signal's and City's position that residential development should be allowed on the Ridge site in exchange for preserving the 6.2-acre Goodell Property as permanent open space. Staff also agrees that the Goodell Property has greater biological,

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 3

cultural and open space value than the Ridge. How the open space protection is provided and the timing of the land use and zoning amendment vis-à-vis the effectiveness of the open space protection is at the crux of our difference with Staff's recommendation.

Important to understanding our position is the fact that Signal does not own the Goodell Site. As stated earlier, Signal entered into a Purchase and Sale Agreement ("Agreement") with the Goodell Family Trust in 2012 to buy the Goodell Site and currently holds an option on the property. The Agreement provides that Signal will close escrow and acquire the Goodell Property only after residential zoning and development – in the form of an approved Coastal Development Permit ("CDP") and subdivision tract map – is approved by the City (and the Coastal Commission, if appealed) for a development plan satisfactory to Signal. Once Signal acquires the Goodell Property it will record a deed restriction limiting the uses to open space and subsequently convey the property to a public agency or suitable non-profit that has an interest in owning and maintaining the property in perpetuity.

2. Rezoning the Ridge and Protecting the Goodell Site.

All of the parties agree that the Ridge site cannot be developed for residential uses until the Goodell site is permanently protected as open space. All parties also agree that the City's Land Use Plan should identify both Open Space/Parks (OS-P) and Residential (RM) uses as allowed, subject to certain performance criteria, to ensure through the land use and zoning that residential uses cannot be implemented until after the Goodell site is protected.

a. Staff's Suggested Modifications Are Infeasible

Staff's Suggested Modifications require that the Residential designation can only be activated *after* an Irrevocable Offer to Dedicate the Goodell Property is *offered and accepted* by a public agency or non-profit organization acceptable to the Commission. Based upon the City's and Signal's understanding, Staff's concern is to ensure that the Goodell Property be permanently protected as open space before residential zoning on the Ridge goes into effect and residential development occurs on the Ridge. Because the City cannot approve a residential subdivision tract map until the Ridge is zoned Residential, the Staff's Suggested Modifications require Signal to purchase the Goodell property, relinquish fee title to the Goodell property with no guarantee of residential development on the Ridge. This simply will not work.

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 4

b. The Alternative Suggested Modifications Assure Protection of the Goodell Site Before Residential Development on the Ridge Occurs

Following the model and format of many CDPs issued by the Coastal Commission, the City and Signal propose that preservation in the form of a Deed Restriction and Irrevocable Offer to Dedicate the Goodell Property be made a ***"Prior to Issuance"*** special condition of the CDP issued for residential development of the Ridge. The LCPA policies would require that any CDP issued by the City for residential development on the Ridge include a special condition requiring Signal to record a deed restriction over the Goodell Property acceptable to the Commission and the City limiting the use of the Goodell Property to passive open space uses ***Prior to Issuance of building permits*** that would allow residential development on the Ridge.

This Alternative Suggested Modification will assure that the Goodell Property be permanently protected as open space, while giving Signal the assurance that it will be able to develop the Ridge. Although the Ridge's zoning will be changed in advance of the recordation of the Deed Restriction, no residential development can occur until the LCP policies requiring imposition of a deed restriction on the Goodell Property are satisfied.

We would like to respond to assertions made in the Staff report regarding the Alternative Suggested Modification. On page 6, staff states that the method to preserve the Goodell Property suggested by the City and Signal does not require that the "offer to dedicate ever be accepted". The Staff Report fails to acknowledge its prior actions in approving both the neighboring Brightwater and Parkside projects where the Commission never required (and staff never recommended) that the Irrevocable Offers of Dedication for open space/conservation areas associated with those projects be accepted prior to issuance of the CDPs. Both projects were required to record the conveyance documents, but there was no requirement that a public agency or non-profit accept the offers. A different standard should not be imposed on the Goodell Property.

The Staff Report on page 46 expresses concern that if permanent restrictions on the Goodell Property are not secured prior to the change in land use designation, there cannot be certainty that the restrictions will indeed occur. In support, staff expresses its concern that the Goodells may choose not to sell the property – a concern that should be addressed by the Memorandum of Option discussed above whereby the Goodells are under contract to sell the property. Staff also expresses concern whether residential development on the Ridge could be denied – however, Signal has expressed its support and willingness to acquire the Goodell Property and record a deed restriction, and fully understands that residential development can only occur upon satisfaction of the policies in the Alternative Suggested Modifications.

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 5

We also are troubled by the various references in the Staff Report that state that the Ridge property owner has “verbally” indicated that it has or “can obtain” an equitable interest in the Goodell Property. On page 31, for example, the Staff Report states that “although the Ridge property owner has verbally indicated that he has a conditional option to purchase the Goodell property, nothing in writing or binding upon each owner reflecting such an option has been included in the LCP amendment record.” This statement is very misleading and inaccurate. In a meeting with Coastal staff in October 2012, Ed Mountford of Signal Landmark, shared with staff a recorded copy of the Memorandum of Option between the Goodell Family Trust and Signal Landmark indicating that Signal Landmark does in fact have an option agreement in place on the Goodell property. In addition, Mr. Doug Goodell was also present at a subsequent meeting with Signal, the City and Coastal staff and acknowledged that Signal held a valid option on their property. A copy of the recorded Memorandum of Option is enclosed, and references to Staff’s questions regarding the validity of the option to purchase should be removed from the Staff Report.

Staff expresses concern that if the offer of dedication is not accepted, it could be up to 20 years before passive uses such as trails and a Native American contemplative area could be realized. This statement again fails to recognize the terms and conditions of Consent Cease and Desist Order Nos. CCC-13-08 and -09 and Consent Restoration Order Nos. CCC-13-RO-08 and -09 (“2013 Consent Orders”) that require Signal to prepare a Mitigation Plan that provides for trails and a contemplative area on property that includes the Goodell Property.

Finally, we note that on page 11 of the Staff Report the permitted uses for the Goodell property specifically reference Consent Cease and Desist Order No. CCC-012-CD-01 and Consent Restoration Order No. CCC-12-RO-01 approved by the Commission in January 2012, but not 2013 Consent Orders approved by the Commission in September 2013. Section 5.5 of the 2013 Consent Orders permit the restoration to be carried out “on an area of the Properties owned by the Respondent” which pursuant to Section 4.2 includes the Goodell Property. In previous draft versions of the suggested modifications the City and Signal inserted language that would include the uses described in the 2013 Consent Orders under permitted uses. The reference to the 2013 Consent Orders should be re-inserted so that there is no prohibition on implementing the 2013 Consent Orders on the Goodell Property.

3. Cultural Resources

Coastal Act Section 30244 provides: “Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.” Policy C.5.1.2 of the City’s Land Use Plan requires: “Where new development would adversely impact archeological or

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 6

paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required.” Because Staff’s Suggested Modification far exceeds the notion of “reasonable mitigation”, we urge the Coastal Commission to accept the Alternative Suggested Modifications.

a. Staff’s Suggested Modifications Could Require Avoidance of Every Archaeological Artifact and Make Development Infeasible

The Bolsa Chica Mesa area on which the Ridge site sits is the location of a number of archaeological sites as staff has noted in its report. Four different archaeological sites have been identified on the Bolsa Chica Mesa. ORA 85 and ORA 83 are located in the area of the Brightwater community. ORA 86 is located primarily on the Ridge site while the Goodell property contains portions of ORA 144, ORA 83 and ORA 86.

The Coastal Commission has in prior permits – and consistent with Section 30244 of the Coastal Act – allowed the archaeologist to excavate these archaeological resources, curate them and permanently protect them. (See CDP No. 5-89-772.) The Suggested Modifications include a new definition of “Significant Cultural Resource that is so broad and open to interpretation that virtually any cultural item – including those which the Commission has allowed to be excavated and preserved -- could be deemed significant requiring that it be left in place and a 50 foot setback provided. This definition could essentially prohibit any development on the Ridge site.

b. The Alternative Suggested Modifications Provide Protection and Avoidance of “Significant Cultural Resources” As Defined by the City and Reasonable Mitigation Consistent with Coastal Act Section 30244

Staff has recommended a definition of “Significant Cultural Resource” that would encompass virtually any artifact that is more than 50 years old. We believe that rather than create a new definition, the Commission should use the definition of “unique archaeological resources” that is found in the California Environmental Quality Act Section 21083.2 which is used by local and State agencies to analyze impact of development on cultural resources. The revisions to staff’s definition is set forth below:

Significant Cultural Resource – ~~An object(s) or site(s) that is more than fifty years old that is associated with events that have made a significant contributions(s) in the broad pattern of human history, and/or have yielded, or may be likely to yield, information important in prehistory or history.~~ An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 7

knowledge, there is a high probability that it meets any of the following criteria: (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type; (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. Significant Cultural Resource includes but is not limited to, skeletal remains and/or grave goods, features, traditional cultural sites, and/or artifacts, religious and or spiritual sites, and or artifacts and/or intact midden soil that meet the criteria set forth above.

In support of its definition, Staff notes that the Commission has required that significant cultural resources be protected in place and that development be designed or redesigned to avoid impacts to significant cultural resources. The two examples identified at page 50 of the Staff Report pertain to human remains (Hellman Properties) and the potential to find human remains and intact midden soil (Shea Homes). Should human remains or intact midden soil be encountered, we would agree that they should not be disturbed, and should be avoided. However, if artifacts that do not meet the definition of Significant Cultural Resources are located, such as shell and bone fragments, beads and tools, mitigation pursuant to an approved plan that allows for excavation, preservation and relocation should be permitted.

Signal requests that Staff's recommended 50 ft setback from the excavated house pit be reduced to 10 feet as recommended by the archaeological report. As noted in the Staff Report, the "house pit" – which consisted of a subsurface, compressed area of soil indicating human occupation – was subject to an archaeological investigation in 2001. That archaeological investigation included the entirety of the Ridge Site. The investigation included trenches, soil borings and hand units to identify areas of intact midden- and the only area on the entire Ridge Site that appeared to not be affected by over 70 years of agricultural production was the "house pit" area. The features and artifacts found outside of the house pit area (1) were not in intact soil midden; (2) indicated prior disturbance from historical activities, i.e., agriculture and WWII construction and therefore not *in situ*; and (3) were not considered significant cultural resources. The "house pit" area will be located in a designated open space area. Given that the area will be in protected open space and has been fully excavated, the City and Signal believe that a 10 foot setback is sufficient to protect the location of this mitigated cultural resource.

Staff asserts that it is recommending the 50-foot setback to provide for the protection in place of any scattered artifacts – whether they be significant or not - that are likely to remain given the fact that the excavation of the area surrounding the "house pit" did not extend to the same depth as the "house pit" and to provide a setback of respectable distance from the location of the "house pit". Given that the Ridge property was subject to a full archaeological mitigation

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 8

program, with Native American monitoring and Commission-appointed Peer Review Committee oversight, for which reports have been provided to staff, and the expert opinion of the archaeologist that the "house pit" area was the only area where intact deposits were found, there is no evidence to support staff's statement that "scattered artifacts" within 50 feet of the house pit may be present. Given the archaeological work that has been conducted to date, the expert opinion of the archaeologist that there are no areas of intact deposits outside of the "house pit" area, and the protection provided by the open space designation for the "house pit" area, Signal requests the Commission to adopt Alternative Suggested Modification that allows for a 10-foot setback.

4. Other Issues Raised by the Staff Report

a. Habitat Buffer Clarification

The Staff Report at page 13 states that the Biological Assessment must incorporate a 300-foot buffer from the Northern Eucalyptus ESHA and a 100-foot buffer from all coastal sage scrub habitat (including the scrub/grassland ecotone) located on the Parkside property, but notes that the ESHA buffer may be reduced to 150 feet and the 100-foot sage scrub buffer may be reduced to 50 feet if a 6-foot masonry wall is constructed at the edge of development. The Staff Report at page 51, however, states that the required setback from coastal sage scrub/grassland habitat is 20 feet with the minimum 6-foot high masonry wall. The application of a 20-foot buffer (not a 50-foot buffer) must be included in the Suggested Modifications on page 13 of the Staff Report.

We also note that the Staff Report on pages 28 and 29 includes a discussion of the Habitat Management Plan on the Parkside property and that setbacks will need to be established for the Ridge property in recognition that there will someday be native habitat on the adjacent property once the HMP is implemented. Typically, development setbacks or buffers from existing native habitat are required because the vegetation provides habitat value that could be adversely impacted if development occurs in close proximity. This is not the case in this situation. We disagree with the requirement to impose a buffer from habitat that does not yet exist and request that this be removed.

b. Consolidated Processing of a CDP

The Staff Report on page 6 and again on pages 30-33 includes a discussion about other options under Coastal Commission regulations available to the Ridge and Goodell property owners to have both properties considered by the Commission in a single action – a single LCP amendment, or alternatively, a single consolidated Coastal Development Permit. It goes on to

Sherilyn Sarb
Teresa Henry
January 3, 2014
Page 9

state that both of these options were offered to the City and Ridge property owner but were declined based on concerns with the length of time it would take to process either option. While it certainly is true that the City and Signal expressed concerns about the time it would take to process additional entitlement applications after having already spent over four years in the City/Coastal process, it was not the only reason. In meetings with Coastal staff on this subject, Signal informed staff that Mr. Goodell would not consent to any entitlement process that would result in the elimination of the residential designation from his property. Mr. Goodell later confirmed this fact in a meeting with Coastal staff. Mr. Goodell indicated that he, as the trustee of the Goodell Family Trust, would not consent to rezoning the property to open space while it was still owned by the Trust. He stated that he had a fiduciary responsibility to protect the value of the asset and would not impair the value of the property by having it rezoned to open space.

5. Conclusion

In conclusion, we request Commission adoption of the Alternative Suggested Modifications. The concerns expressed by Commission staff are all addressed by the Alternative Suggested Modifications which are consistent with the Section 3 policies of the Coastal Act and provide reasonable and feasible means to achieve reasonable development on the Ridge and open space protection of the Goodell Property.

Very truly yours,

Manatt, Phelps & Phillips, LLP



Susan K. Hori
Partner

Enclosures:
Memorandum of Option
Alternative Suggested Modifications
cc: Meg Vaughn
Coastal Commissioners
Ed Mountford
Tim Paone

PERSONAL COPY TO BE
RETURNED TO THE
RECORDING OFFICE
WITHIN 10 BUSINESS
DAYS OF RECORDING

This Document was electronically recorded by
First American NHS Rancho Cucamonga

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

RECORDING REQUESTED BY:
WHEN RECORDED, MAIL TO:

Signal Landmark
27285 Las Ramblas, Suite 210
Mission Viejo, CA 92691
Attn: Ed Mountford



36.00

2012000455071 04:21pm 08/08/12

19 405 M12 11

0.00 0.00 0.00 0.00 30.00 0.00 0.00 0.00

4422045-18

(Space Above Line for Recorder's Use Only)

MEMORANDUM OF OPTION

This Memorandum of Option (the "**Memorandum**") is executed, to be effective upon its recordation, between Douglas Goodell, Stuart Goodell and Patricia Price, Successor Trustees of Trust A of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992, Douglas Goodell and Stuart Goodell, Successor Co-Trustees of Trust B of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992, and Douglas Goodell and Stuart Goodell, Successor Co-Trustees of Trust C of the Donald E. Goodell and Shirley L. Goodell Family Trust, dated July 1, 1992 ("**Optionors**"), and Signal Landmark, a California corporation ("**Optionee**"). Optionors and Optionee are sometimes hereinafter individually or collectively called a "**Party**" or the "**Parties**."

RECITALS

A. Optionors are the owners of that certain real property located in the unincorporated portion of the County of Orange, State of California, bordering a portion of the City of Huntington Beach, California, as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

B. Optionors and Optionee entered into that certain Option Agreement and Escrow Instructions, dated July 18, 2012 ("**Option Agreement**"), in which Optionors granted an option to Optionee to acquire the Property (the "**Option**").

C. Pursuant to the terms of the Option Agreement, the Parties wish to memorialize the granting of the Option to Optionee by Optionors by recording this Memorandum of Option.

Therefore, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Optionors and Optionee agree as follows:

1. Grant of Option. Optionors hereby grant to Optionee the Option to acquire the Property in accordance with the terms and conditions of that certain unrecorded Option Agreement.

2. Exercise. The Option shall be exercisable by Optionee at any time during the Option Periods (as defined in the Option Agreement), in the manner and on the terms and conditions set forth in the Option Agreement.

3. Termination of Option. As more fully set forth in the Option Agreement, the Option shall commence on the date this Memorandum is recorded in the Official Records of Orange County, California, and shall extend until the sooner to occur of (i) the date Optionee records a release of this Memorandum in the Official Records of Orange County, California, following Optionee's election not to exercise the Option, or (ii) the date on which the close of escrow occurs on the Property in the event Optionee does elect to exercise the Option, all in accordance with the provisions of the Option Agreement.

4. Interpretation. The purpose of this Memorandum is to give notice of the existence of Optionee's rights under the Option Agreement. If there is an inconsistency between the provisions of this Memorandum and the Option Agreement, the provisions of the Option Agreement shall control. Except as otherwise expressly provided herein, all of the words, phrases and capitalized terms used in this Memorandum shall have the same meanings as set forth in the Option Agreement.

[CONTINUED ON NEXT PAGE]

5. Counterparts. This Memorandum may be executed in any number of counterparts, each of which shall be an original, and all of which, together, shall constitute one and the same instrument.

OPTIONORS:

TRUST A OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Trustee

By: _____
Stuart Goodell, Successor Trustee

By: _____
Patricia Price, Successor Trustee

TRUST B OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

TRUST C OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: Douglas Goodell
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: Edward G. Mountford
Name: EDWARD G. MOUNTFORD
Its: SR VICE PRESIDENT

By: Sandra G. Smith
Name: Sandra G. Smith
Its: Sr. Vice President

5. Counterparts. This Memorandum may be executed in any number of counterparts, each of which shall be an original, and all of which, together, shall constitute one and the same instrument.

OPTIONORS:

TRUST A OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Trustee

By: Stuart Goodell
Stuart Goodell, Successor Trustee

By: _____
Patricia Price, Successor Trustee

TRUST B OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: Stuart Goodell
Stuart Goodell, Successor Co-Trustee

TRUST C OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: Stuart Goodell
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: Edward C. Marshall
Name: EDWARD C. MARSHALL
Its: S.B. VICE PRESIDENT

By: Samuel G. Smith
Name: SAMUEL G. SMITH
Its: or Vice President

5. Counterparts. This Memorandum may be executed in any number of counterparts, each of which shall be an original, and all of which, together, shall constitute one and the same instrument.

OPTIONORS:

TRUST A OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Trustee

By: _____
Stuart Goodell, Successor Trustee

By: Patricia Price
Patricia Price, Successor Trustee

TRUST B OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

TRUST C OF THE DONALD E. GOODELL
AND SHIRLEY L. GOODELL FAMILY
TRUST, DATED JULY 1, 1992

By: _____
Douglas Goodell, Successor Co-Trustee

By: _____
Stuart Goodell, Successor Co-Trustee

OPTIONEE:

SIGNAL LANDMARK,
a California corporation

By: Edward G. Mountford
Name: EDWARD G. MOUNTFORD
Its: S.R. VICE PRESIDENT

By: Sandra G. Smith
Name: Sandra G. Smith
Its: Sr. Vice President

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, DESCRIBED AS FOLLOWS:

PARCEL 1:

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

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINES OF BOLSA CHICA STREET AND LOS PATOS AVENUE, BOTH 60.00 FEET WIDE, AS SAID STREETS ARE SHOWN ON THE MAP OF TRACT NO. 86, BLOCK 20, COAST BOULEVARD FARMS, RECORDED IN BOOK 10, PAGES 35 AND 36 OF SAID MISCELLANEOUS MAPS; THENCE SOUTH 0° 42' 01" EAST 523.80 FEET; THENCE NORTH 89° 06' 00" EAST 23.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89° 06' 00" EAST 450.00 FEET; THENCE SOUTH 0° 42' 01" EAST 600.00 FEET; THENCE SOUTH 89° 06' 00" WEST 450.00 FEET; THENCE NORTH 0° 42' 01" WEST 600.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, SUCH AS OIL, GAS, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, AND THE EXCLUSIVE RIGHT TO PRODUCE SUCH OIL, GAS, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES BY DRILLING UNDER THE SURFACE OF SAID LAND FROM PROPERTY ADJOINING SAID LAND, AND THE FURTHER EXCLUSIVE RIGHT TO DRILL UNDER AND THROUGH SAID LAND FOR THE PURPOSE OF PRODUCING OIL FROM UNDER THE PACIFIC OCEAN, OR FROM ANY OTHER PROPERTY, SUCH RIGHTS TO BE WITHOUT RIGHT TO ENTER UPON OR USE THE SURFACE OF SAID LAND FOR ANY PURPOSE OR PURPOSES WHATSOEVER, AS EXCEPTED IN DECREE OF DECLARATION OF TAKING NO. 3, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 26, 1943 IN BOOK 1161, PAGE 594 OF OFFICIAL RECORDS, AS AMENDED BY DECREE, A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 23, 1944 IN BOOK 1244, PAGE 186 OF OFFICIAL RECORDS.

PARCEL 2:

PERMANENT EASEMENTS I-F AND I-G AS DESCRIBED IN PARAGRAPH VIII OF THAT CERTAIN JUDGMENT AND DECREE FILED FEBRUARY 11, 1949 IN CASE NO. 2251-B CIVIL OF THE UNITED STATES DISTRICT COURT, IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION, A CERTIFIED COPY OF WHICH JUDGEMENT AND DECREE WAS RECORDED MAY 9, 1949 IN BOOK 1840, PAGE 424 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AND WHICH PERMANENT EASEMENTS I-F AND I-G AS SHOWN ON THE COPY OF CORPS OF ENGINEERS, DISTRICT DRAWING NO. 224-M6, DATED JUNE 4, 1948, RECORDED AUGUST 14, 1959 IN BOOK 4841, PAGE 391 OF SAID OFFICIAL RECORDS, WITH PARTICULAR DESCRIPTIONS OF THE AREAS DESIGNATED I-F AND I-G THERETO ATTACHED.

PARCEL 3:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITY PURPOSES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 60.00 FEET IN WIDTH, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL AND THE NORTHERLY PROLONGATION THEREOF TO THE EASTERLY PROLONGATION OF THE CENTERLINE OF LOS PATOS AVENUE (VACATED) AS SHOWN ON SAID MAP OF RECORD OF SURVEY.

PARCEL 4:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR POWER AND TELEPHONE POLES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 60.00 FEET WESTERLY OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS WITH THE CENTERLINE OF LOS PATOS AVENUE (VACATED) AS SHOWN ON SAID MAP OF RECORD OF SURVEY; THENCE SOUTHERLY ALONG SAID PARALLEL LINE 250.00 FEET; THENCE NORTHERLY IN A DIRECT LINE TO A POINT IN SAID CENTERLINE OF LOS PATOS AVENUE LYING WESTERLY 20.00 FEET FROM THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID CENTERLINE 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

AN APPURTENANT NON-EXCLUSIVE EASEMENT FOR POWER LINE AND PIPELINES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT RECORDED NOVEMBER 3, 1980 IN BOOK 13818, PAGE 966 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, OVER THAT PORTION OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON A MAP FILED IN BOOK 92, PAGES 19 TO 28 OF RECORD OF SURVEYS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 30.00 FEET IN WIDTH, THE SOUTHERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE 6.20 ACRE PARCEL DESCRIBED IN DEED TO DONALD E. GOODELL RECORDED NOVEMBER 5, 1959 IN BOOK 4960, PAGE 87 OF SAID OFFICIAL RECORDS; THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL A DISTANCE OF 525.00 FEET TO THE POINT OF TERMINATION.

SIGNAL LANDMARK
27285 LAS RAMBLAS, SUITE 210
MISSION VIEJO, CALIFORNIA 92691
(949) 250-7700 • FAX (949) 261-6550

January 3, 2014

Steve Kinsey, Chair
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

Sherilyn Sarb
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802

**Re: City of Huntington Beach Major Amendment Request No. HNB-
MAJ-1-12 (The Ridge) to the City's Certified Local Coastal Program
Hearing: January 8, 2014, Item W24a**

Dear Chair Kinsey and Ms. Sarb:

Signal Landmark ("Signal") is the owner of the land (the "Ridge Site") which is the subject of the application of the City of Huntington Beach (the "City") for an amendment to its Certified Local Coastal Program ("LCPA"). As submitted to the Coastal Commission by the City, the proposed LCPA addressee only land use changes on the Ridge Site, as approved by the Huntington Beach City Council.

Recognizing your staff's objections to the LCPA as proposed and its desire to consider land uses on the adjacent 6.2 acre property owned by the Goodell Family Trust ("Goodell Property") which is not within the City's jurisdiction, in conjunction with the Ridge Site, Signal, City staff, and Commission staff have been engaged in discussions since 2012 to find a "win-win" resolution to an unusual regulatory challenge. Considerable progress toward that goal has been made and what you have before you at your upcoming meeting are essentially two variations on suggested modifications to the City's proposed LCPA. Your staff has provided one approach in its report to you. From Signal's perspective, that approach simply cannot work and, as a result, will leave all parties short of their goal of eliminating residential development on the Goodell Property in return for permitting residential uses on the Ridge Site. Therefore, we have enclosed Alternative Suggested Modifications in our letter to Commission staff (a copy of which is enclosed) reflecting the discussions among the City, your staff, and Signal and which the City and Signal recommend be adopted in place of Coastal staff's suggested modifications.

Because the land uses for the Goodell Property are not subject to regulation by the City's LCP, there is mutual agreement that restriction of the Goodell Property (now

Steve Kinsey
Sherilyn Sarb
January 3, 2014
2

designated for residential uses) would occur through the recordation of (1) a deed restriction limiting its uses to those now proposed by staff, and (2) an offer to dedicate fee title to the Goodell Property to a public or private entity satisfactory to the Executive Director. Those restrictions would be required before development of the Ridge Site could occur. Therefore, the amendment to the City's LCPA to allow residential uses on the Ridge Site would contain language conditioning development upon the recordation of those documents. There presently is a recorded option to purchase the Goodell Property granted to Signal by the current owner of the Goodell Property (the "Recorded Option"). The Recorded Option would allow Signal to acquire the Goodell Property and record the deed restriction and offer of dedication before development on the Ridge Site could begin.

As your Staff Report notes, the negotiations have reduced the key issues to two contexts:

- **Timing of the Deed Restriction and the Offer of Dedication.**

While the parties agree that the deed restriction and offer of dedication must be recorded before development begins, Staff wants the deed restriction recorded and the offer of dedication accepted by a public agency or non-profit before the change in land use designation is made. Signal and the City want the change to a residential land use designation to be made without recording a deed restriction or having an offer of dedication recorded and accepted, but with a mandate in the LCP that permits for residential uses cannot be issued until the deed restriction and offer of dedication on Goodell have been recorded.

It would be foolish for Signal to purchase the Goodell Property and then give it away without any certainty that the Ridge Site will be redesignated for residential uses and a CDP will be issued once the deed restriction and offer are recorded.

Only the proposed Alternative Suggested Modifications give both Signal and the Commission the certainty they each need to accomplish the common objective. The Commission needs to know that there will be no residential development of the Ridge Site without the deed restriction and offer being recorded on Goodell. Signal needs to know that its investment in the Goodell Property and its use restrictions and conveyance for open space purposes will result in an economically viable residential development project on the Ridge Site. Both of these objectives are accomplished with the proposed Alternative Suggested Modifications.

- **Mitigation for Impacts on Cultural Resources.**

On Page 21 of the Staff Report, Staff proposes a new definition of "Significant Cultural Resource" which unnecessarily expands the generally-used definition found in CEQA. Also proposed is a 50 foot setback from any "Significant Cultural

Steve Kinsey
Sherilyn Sarb
January 3, 2014
3

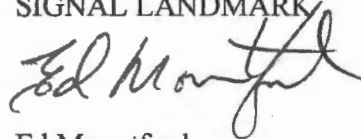
Resource.” The problem is that this unprecedented approach would arguably make virtually every archaeological artifact a “Significant Cultural Resource” that must be left in place and protected with a 50 foot setback. The Coastal Commission has in prior permits found mitigation reasonable and consistent with Section 30244 of the Coastal Act where the mitigation allowed archaeologists to excavate resources, curate them, and permanently protect them. (See CDP 5-89-772.) Staff’s proposal would require that common insignificant artifacts be left in place and a 50-foot setback be provided. This approach goes well beyond what either the Coastal Act or the City’s LCP require, and could effectively prohibit any development on the Ridge site. (Staff has noted that other permits have required avoidance, however, the resources at issue in those permits were human remains.)

Signal is also concerned with Staff’s recommended 50-foot setback from the excavated house pit. As noted in the Staff Report, the “house pit” – which consisted of a compressed area of soil indicating human occupation – was subject to an archaeological investigation in 2001. That investigation included the entirety of the Ridge Site and concluded that the only area on the entire Ridge Site that appeared to not have been affected by decades of agricultural production was the “house pit” area. It also concluded that the features and artifacts found outside of the house pit area were not significant. Because the “house pit” area will be located in a protected open space area, Signal believes that a 10 foot setback is sufficient to protect the location of this mitigated cultural resource.

Our recommended edits to staff’s proposed suggested modifications (Alternative Suggested Modifications) and a more detailed response to the Staff Report are attached to this letter. Signal looks forward to addressing these issues further with the Commission at your upcoming meeting.

Very truly yours,

SIGNAL LANDMARK



Ed Mountford
Senior Vice President

Enclosure:
Letter to Sherilyn Sarb and Teresa Henry from Susan Hori (January 3, 2014)

Steve Kinsey
Sherilyn Sarb
January 3, 2014
4

Cc: California Coastal Commissioners
Teresa Henry
Meg Vaughn
Tim Paone
Susan K. Hori
David Neish

311241098.1

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



January 6, 2014

Teresa Henry
District Manager
South Coast District Office
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

Dear Ms. Henry:

RE: City of Huntington Beach LCP Amendment No. HNB-MAJ-1-12 (Ridge):

I am writing to provide comments in regards to the impact of the proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density at a parcel located in the City of Huntington Beach known as the Ridge property. As the State Historic Preservation Officer my responsibility is to promote the protection of California's irreplaceable heritage resources. Specifically, I am commenting pursuant to Section 30244 of the Public Resources Code: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required," as well as Section 30116 which includes archeological sites designated by the State Historic Preservation Officer as sensitive coastal resource areas.

The impact of these land use changes would be significant. The property in question, known as the Ridge, is part of a very large village complex that occupied the upper banks of the Bolsa Chica mesa from 9000 to 2000 years before the present. Over the years a number of specific archeological sites within this complex have been recorded, including ORA-83 (site of production and distribution of cogged stones), ORA-84, ORA-85, ORA-86, and ORA-288; only portions of ORA-83 and ORA 86 remain, the balance lost to development. ORA-83, known as the cogged stone site, is listed in the National Register of Historic Places by the National Park Service at the recommendation of the State Historic Resources Commission and the State Historic Preservation Officer. Although these various sites have been given discrete identifiers, it is important to remember that they are all part of a larger property. Site numbers are merely recording conveniences and each only represents a part of the whole. Impacts to the Ridge property would in fact impact the whole of the remaining part of this once large village.

RECEIVED
South Coast Region

JAN 06 2014

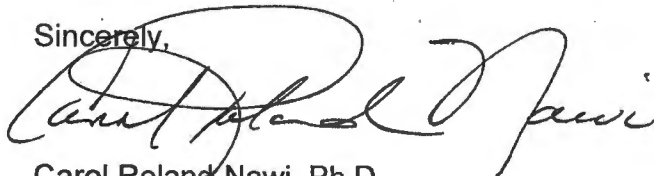
CALIFORNIA
COASTAL COMMISSION

The property on Bolsa Chica mesa holds great cultural and religion importance to California Native Americans, including the Gabrieleno/Tongva Band of Mission Indians-San Gabriel. Large scale properties comprised of multiple, linked features that form a cohesive landscape are known as Traditional Cultural Properties. Current cultural resource management practice has moved beyond solely recognizing and promoting the protection of specific sites within a larger complex to recognizing and promoting the protecting of larger Native American cultural landscapes. The federal Advisory Council on Historic Preservation has formally adopted a *Native American Traditional Cultural Landscapes Action Plan*. The National Park Service has published and is currently updating its *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. This bulletin identifies one example of a culturally significant property as "a location with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world."

Since the significance of Traditional Cultural Properties is based on cultural and often religious significance, and not on their ability to yield, or likely to yield, information important in history or prehistory, impacts cannot be mitigated to less than a significant level by usual archeological practices such as excavation. Even the process of identifying such properties through testing, such as auguring or trenching will have significant impacts. Based on the cultural material, including human remains, encountered during prior development on parts of ORA-83 and ORA-86, there is a high likelihood of encountering similar cultural material at the Ridge property.

The proposed change of land use designation from Open Space-Parks to Residential Low Density and the zoning from Residential Agriculture to residential Low Density would significantly impact the remains of ORA-86 as well as other remains of this village complex that represents 7000 years of human occupation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carol Roland-Nawi", written over a horizontal line.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net



RECEIVED
South Coast Region

December 27, 2013

JAN 2 2014

Ms. Meg Vaughn

California Coastal Commission

200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Sent by U.S. Mail

No. of Pages: 2

RE: California Coastal Commission Hearing on the City of Huntington Beach LCPA (HNB-MAJ-1-12) January 8-10, 2014. Project also identified as SCH#2009091043 (State Clearinghouse #); CEQA NOD; Project Title, The Ridge; Lead Agency: City of Huntington Beach; Applicant Signal Landmark, Owner; Orange County, California.

Dear Ms. Vaughn:

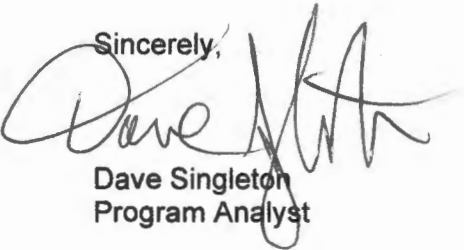
The California Native American Heritage Commission (NAHC) has reviewed the proposed action proposed by the City of Huntington Beach and the developer and has concerns regarding the possible impact of the project on Native American cultural resources. The proposed land was previously zoned 'open space;' the Native American Heritage Commission (NAHC) deemed that appropriate as it bordered the internationally known "The Cogged Stone Site," that had been nominated in 1980 for placement on the *National Register of Historic Places*. In that nomination by Pat Hammon, the property description included The Ridge parcel, what is now called CA-ORA-86 but then was termed part of CA-ORA-83, The Cogged Stone Site. Dr. Brian Fagan, Professor Emeritus of the University of California, Santa Barbara also terms this parcel as part of The Cogged Stone Site. Clearly, this parcel is situated in a very sensitive archaeological and native American historic location.

Archaeological field work at the proposed site have yielded some archaeological items. While no Native American human remains have been excavated from this site, the adjacent areas comprising CA-ORA-83 and CA-ORA-85 have been locations where 178 sets of remains were reported to the NAHC. The NAHC is of the opinion that the proposed construction of 22 housing units on the five-acre Ridge site would cause further damage to Native American cultural resources and should be avoided if at all possible pursuant to CEQA Guidelines Section 15370 (a).

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Singleton". The signature is written in dark ink and is positioned above the printed name and title.

Dave Singleton
Program Analyst

Fowler

MUSEUM AT UCLA

phone 310/825.4361 fax 310/206.7000 www.fowlermuseum.org

Item: W24a
Application #: HNB-MAJ-1-12
Wendy Teeter
Opposition to the Project
RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission, South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attention: Teresa Henry, District Manager

January 2, 2014

Dear Teresa Henry and Commissioners,

I am writing to express my concern at the request by the City of Huntington Beach to amend the certified Local coastal Program for the 5-acre Ridge property to change the land use designation from Open Space Parks to residential low density (22 houses). The Ridge property contains one of the last remaining portions of CA-ORA-83/86, the cogged stone site. The developers have already destroyed 16 acres of the 9,000 year old village and cemetery site. This natural environment has been slowly developed for decades regardless of its demonstrated impact on this village and cemetery. Each time developers argued that this will be it and there are still portions left intact and each time they push a little farther in development. This is the last vestige. When do the migratory birds and natural environment become the greater good?

As the Curator of Archaeology, Fowler Museum at UCLA and a California archaeologist, I am invested in preserving the total history of California for current and future generations. There are fewer and fewer places that people can actually visit to represent the first people of this land. This is not just a village site, but a production and distribution center for the unique cogged stones that are believed to connect cultural traditions from the coast to the Mojave Desert. These cogged stones are also found in Chile and may be part of an early prehistoric trading route up and down the coast of the Pacific. New dates and research are only starting to delve into these possibilities. If the remaining portion of the site is destroyed by a for-profit salvage Cultural Resource Management company, the entire world loses out.

Of great importance, is that the site is a sacred place by the Gabrielino/Tongva and Acjachemem people who were devastated by the desecration of their ancestors' graves to make room for a residential development. The developers have taken more than 11 acres of ORA-83/86 for the Sandover gated housing and the Brightwater (Hearthside) housing. The remaining 11 acres (5 acres Ridge and 6 acres Goodell) should be preserved as open space in the public interest. Please deny this amendment.

Thank you for your efforts on this matter. I can be reached at wteeter@arts.ucla.edu.

Sincerely,



Wendy G. Teeter, Ph.D, RPA

CHATTEN-BROWN & CARSTENS LLP

TELEPHONE: (310) 798-2400
FACSIMILE: (310) 798-2402

2200 PACIFIC COAST HIGHWAY
SUITE 318
HERMOSA BEACH, CALIFORNIA 90254
www.cbcearthlaw.com

E-MAIL:
MNB@CBCEARTHLAW.COM

December 30, 2013

Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Ms. Teresa Henry
Mr. Andrew Willis
Ms. Meg Vaughn
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Via U.S. Mail and email: Andrew.Willis@coastal.ca.gov
Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

Re: **Agenda Item W 24a**, January 2014 Meeting
Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of
Huntington Beach Certified Local Coastal Program (LCP)
Request for **Denial** of Amendment

Dear Honorable Commissioners:

We submit these comments on behalf of the Bolsa Chica Land Trust (BCLT) in support of staff's recommendation to **deny** the Local Coastal Program amendment submitted by the City of Huntington Beach. The mission of BCLT is to acquire, restore and preserve the entire 1,700 acres of the mesa, lowlands and wetlands of the Bolsa Chica ecosystem, and to educate the public about this natural treasure and its unique biological and Native American cultural resources. BCLT agrees with Commission staff that amendment is inconsistent with the Chapter 3 policies of the Coastal Act regarding land use priorities, significant cultural resources, and "one of the most ecologically sensitive sites within ... southern California." (Staff Report p. 2.) In addition to converting the existing open space habitat to residential use, the Project would diminish the value of a designated ESHA off-site, with likely adverse impacts on raptors and other wildlife. The

RECEIVED
South Coast Region

DEC 31 2013

CALIFORNIA
COASTAL COMMISSION

site is also a known Native American cultural site, with significant artifacts and possibly human remains that would be disturbed or destroyed by project grading and construction.

Finally, the City's proposed amendment and development it permits violate the Coastal Element of the City of Huntington Beach's General Plan. For these reasons, BCLT urges the Commission to adopt staff's well-researched recommendation to deny the amendment.

If approved, the LCP amendment would permit the applicant to construct a 22-unit housing development known as the Ridge on a five-acre parcel located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. The site is one of the last undeveloped properties on the Bolsa Chica mesa.

I. The Ridge and Adjacent Properties Contain Irreplaceable Cultural Resources.

BCLT agrees that the LCP amendment contains insufficient mitigation measures and protections for cultural resources that may persist on the Ridge site, including the house pit, which warrants denial of the LCP amendment at this time.

BCLT further agrees with Commission staff's conclusion that past investigations of the site have not removed the likelihood that the Ridge site contains significant archeological and cultural resources. (Staff Report p. 26.) The applicant's conclusion that additional cultural resources and human remains will not be found on the Ridge site is based on the extensive unpermitted excavations that have occurred at the Ridge and Goodell sites. However, the adjacent Brightwater development was similarly investigated prior to the beginning of grading and construction. The applicant had reported that since 97 percent of the site had already been excavated, additional recoveries were unlikely. Even so, hundreds of human remains were recovered from the Brightwater site. Archeologists agree that humans have lived on the Bolsa Chica mesa for at least 9,000 years, without regard to the current property lines. One prehistoric dwelling unit, uncovered through the unpermitted excavations, straddles the Ridge/Goodell property line. (Staff Report pp. 24-26.) Since human remains and artifacts have been found on adjacent properties, even after investigations, they will also be found at the Ridge and Goodell sites. This entire area comprises a cultural landscape. The applicant's archaeologist has been videotaped stating that there is a "100 percent chance of finding more cogged stones on the Goodell property and a high likelihood of finding more burials." It is just as likely that additional resources persist on the Ridge site that could be damaged or destroyed by the site development permitted by the proposed LCP

amendment. Without sufficient setbacks or stringent mitigation measures, the LCP amendment violates section 3044 of the Coastal Act. Additionally, the LCP amendment contains no mitigation for impacts that would be experienced by Native Americans who still visit the Ridge site for worship and ceremonial purposes. (Staff Report p. 41.) Accordingly, the LCP amendment must be denied, and existing archaeological and cultural resources must be permitted to remain in place.

II. The LCP Amendment Would Adversely Affect Biological Resources and Designated ESHA.

As documented in the Staff Report, the Ridge site is surrounded by “an extensive amount of significant habitat” that could be diminished by approval of the LCP amendment. (p. 42.) BCLT agrees that the lack of suitable buffer warrants denial of the amendment. (Staff Report p. 43.)

Most importantly, the LCP amendment would affect habitat located on the adjacent Shea Parkside property, which the Commission has designated environmentally sensitive habitat area (ESHA), pursuant to Public Resources Code section 30107.5, for its importance as a raptor foraging habitat. At least ten species of raptors have been observed in this ESHA, including California Species of Special Concern. (Staff Report p. 43.) The Coastal Act prohibits actions on land adjacent to ESHA which “significantly degrade” ESHA. (Pub. Resources Code § 30240(b).) The Commission typically requires at least a 300-foot buffer between residential development and ESHA. However, the Ridge project would place homes within 160-250 feet (50-80 meters) of the Eucalyptus grove. Adequate buffers were rejected. (Staff Report p. 43.) Imposition of residential uses so near to the ESHA would significantly degrade the ESHA by reducing its use by raptors. During the CEQA process, the applicant asserted that raptors acclimate readily to residential development and urbanization and would not be affected. However, these claims are easily refuted by scientific evidence contained in the record, most notably Coastal Commission staff ecologist Dr. Dixon’s staff report, a scientific paper authored by Dr. Findlay, and guidance by CDFG and USFWS that recommends buffers of at least 100 meters to protect ESHA from degradation.

Dr. Dixon defended larger, 100 meter buffers in a memorandum describing the eastern side of the same eucalyptus grove ESHA:

[D]evelopment closer than 100 meters will reduce the utility for nesting raptors of these portions of ESHA that are closest to the development

footprint and therefore that a reduced buffer would violate Section 30240(b) of the Coastal Act because the portions of ESHA nearest the development would be significantly degraded and no longer suitable for nesting by some of the raptor species at Bolsa Chica.

(Coastal Commission Staff Memorandum, Exh. LLL, p.14 attached to letters of M. Bixby.)

The Project may also reduce water flow to the Shea Parkside parcel, with potential impacts to existing wetlands and ESHA on that site. Yet the Ridge's documentation fails entirely to address the reduction of natural water flow of adjacent parcels.

The Project would also affect the ESHA through the introduction of nighttime lighting. Although the applicant proposed use of "dark sky" lighting, it was never enforceable as a mitigation measure or project design feature. The applicant's Brightwater project demonstrates a development that was supposed to incorporate "dark sky" lighting, but has not done so in practice. In some common areas, landscaping lights point skyward, which actually increases the existing skyglow problem and impacts to sensitive habitat and wildlife. The Ridge project would also have lighting impacts because ESHA treetops will be at building pad height after grading is complete. Even if the development's lights were pointed downward, they would affect the ESHA. In addition to spotlighting their position for potential prey, nighttime lights can interfere with raptor vision.

Harm to the eucalyptus grove ESHA would adversely affect the raptors for which the ESHA was designated. Harm to raptor populations could come from increased noise in the area, nighttime lighting, infringing cat populations, as well as from harm to the habitat quality of the ESHA itself due to inadequate buffers. Project grading and other activities would occur at elevations at or exceeding the eucalyptus grove treetops. Disturbances that lower the height of the treetops relative to surrounding areas would reduce the utility of these treetops for foraging raptors. Dr. Dixon found that the agricultural field adjacent to the Hearthside property "is a significant foraging resource for several raptor species, including the white-tailed kite, which is a California 'fully-protected species.'" (Exh. LLL, p. 11.) The raptors use the project site in the same way. The importance of this site to foraging raptors was recognized by the Fourth District Court of Appeal in *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 506:

The ESHA identification was based on the fact the grove provided the only

significant locally available roosting and nesting habitat for birds of prey (raptors) in the Bolsa Chica area. At least 11 species of raptors have been identified as utilizing the site, including the white-tailed kite, marsh hawk, sharp skinned hawk, Cooper's hawk and osprey. According to Commission, a number of the raptors are dependent upon the adjacent lowland wetlands for food and the eucalyptus grove provides an ideal nearby lookout location as well as a refuge and nesting site.

Removal of foraging resources would cause direct harm to raptors. This harm is even greater when the loss of this field is considered along with the losses of the Shea Parkside, Brightwater, and other area open spaces that have been or are in the process of development.

The Ridge development would also permanently displace southern tarplant, a rare plant species found adjacent to the site. Tarplant is an annual that is transient. BCLT has documented the applicant's removal of vegetation from the site in anticipation of future permitting processes required for development. (See, letter submitted to Commission by Connie Boardman and attached photographs.) Considering that tarplant extent has increased on adjacent properties in recent years, it is likely that colonization of the Ridge property would have occurred already if it had not been prevented by the applicant's blading and application of herbicide and gravel. In 2009, LSA documented over 1,000 tarplants on the adjacent Goodell property. Also, by redirecting runoff away from the Shea parcel to the east and dewatering lands around The Ridge, the project may impair the survival of southern tarplant on other parcels by reducing the water it receives.

III. The LCP Amendment is Inconsistent with the Coastal Act, the City's Certified LCP, and the City's General Plan.

Coastal Act

The Ridge site is currently designated "Open Space – Parks." The Amendment would change the designation to "Residential Low Density." BCLT agrees with Commission staff that both the Coastal Act and the City's certified Land Use Plan place a greater priority on public recreational uses than on private residential uses. (Pub. Resources Code §§ 30222, 30223; Staff Report p. 4.) When it has been publicly accessible, the Ridge site has been used frequently for walking, hiking, birding, and for Native American ceremonial uses. Removal of these ceremonial uses cannot be mitigated. Institutionalizing the privatization of this land, without identifying replacement parkland,

would contravene both the Coastal Act and the City's own existing LCP. The Staff Report agrees, finding, "The proposed LUP amendment, rather than protecting and encouraging recreational opportunities, would reduce such opportunities." (Staff Report p. 40, see also pp. 33-40.) While BCLT supports preservation of the adjacent Goodell property, it agrees with Commission staff that any preservation of the Goodell parcel must be fully enforceable before entitlements are granted for the Ridge. (Staff Report, pp. 5-6.)

Certified LCP

Policy C 4.4.2 of the City's certified LCP forbids private development of the Bolsa Chica Mesa bluffs. The policy reads, "Prohibit private development along the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the northwestern edge of the Bolsa Chica low land) within the City's jurisdiction that would alter the natural landform or threaten the stability of the bluffs. Drainage systems and other such facilities necessary to ensure public health or safety may be allowed provided that bluff alteration is restricted to the minimum necessary and is done in the least environmentally damaging feasible manner." According to the topographic maps submitted to the City in connection with the Ridge development, the protected bluff extends into The Ridge site. The topographical alterations proposed as part of the project violate this policy.

General Plan, Coastal Element/LUP

The LCP amendment proposed for the Ridge is incompatible with the City's General Plan because it will remove five acres of land designated as "Open Space-Park" without identifying replacement parklands. This land use impact is both direct and cumulative because the City has already failed to meet its parkland standard of 5 acres per 1,000 residents. (RCS Policy 2.1.1; Staff Report p. 36.) The loss of 5 additional acres of parkland will bring the City even further out of compliance with Policy 2.1.1. Additional cumulative impacts on parklands use will occur with the increases in population and loss of potential parklands at the Brightwater and Shea Parkside sites surrounding The Ridge. As recognized by Commission staff, the Ridge parcel contains an informal trail network that has been used by hikers, birdwatchers, and other recreational users for many years. Commission staff also rightly recognized the appropriateness of leaving the Ridge designated for a park, given the proximity of the Bolsa Chica Ecological Reserve, a statewide draw to the area. (Staff Report p. 36; see also pp. 58-59.)

Residential development on the site's five acres of open space parkland on the Bolsa Chica Mesa is also inconsistent with the Land Use Element of the City's General

Plan. Goal LU 5 is to “[E]nsure that significant environmental habitats and resources are maintained.” Pursuant to Policy LU 5.1.1, this protection should occur by “consideration of the policies and standards contained in the ...Federal (NEPA) and State (CEQA) regulations.” As only inadequate buffers have been suggested to protect Coastal Commission-designated ESHA, the project will fail to ensure the maintenance of significant habitat. Policy LU 5.1.1 speaks directly to the ESHA buffer issue, mandating that the City “ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality.” This has not occurred, as recognized by Commission staff.

The Coastal Element of the City’s General Plan describes the importance of maintaining the open space designation of The Ridge to protect the ESHA located to the east:

There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited. (pp. C.IV-77 and 78.)

The proposed LCP amendment would allow development on property that has remained zoned for open space specifically to protect existing and previously delineated wetlands, in direct conflict with the goals of the General Plan. The amendment also conflict with several policies and objectives pertaining to the protection of environmentally sensitive areas, discussed in the Staff Report. (See, Staff Report pp. 59-60.)

Further, the Bolsa Chica Mesa bluffs are identified as a visual resource in the Coastal Element, which calls for the preservation of public views to and from the slope. The Ridge site is described 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.

(Coastal Element p. IV-C-65, emphasis added.) Grading to level the project site “would permanently alter the existing visual environment of the project site” (MND p. 42) in contravention of City policy.

Public views from the thirty foot wide city parcel would also be lost and replaced with views of suburban housing. Current views span from the eastern bluffs at Ellis south to the federal restoration inlet. Other public views from city-owned land would will be replaced with solid masonry walls. Instead of increasing coastal access, The Ridge project would cut off views of coastal resources. View losses would be both direct and cumulative as other open space on the mesa is converted to residential development at Shea Parkside and possibly on the Goodell property.

IV. The Ridge and Goodell Properties should be Considered Together.

Together, the Ridge and Goodell Properties are the last remaining undeveloped portions of the Bolsa Chica Mesa held by private interests. They provide the last opportunities for the Commission and the City to mitigate the habitat losses and the destruction of cultural resources and Native American sacred sites caused by past development in the area. Additionally, the Ridge and Goodell sites function as one 11.2-acre site, both ecologically, and archaeologically. For years, BCLT has advocated a unified approach to all development and preservation on the Mesa. A unified LCP amendment for the two properties, as proposed by Commission staff (Staff Report pp. 5-6, pp. 30-33) could provide the holistic analysis that has been missing in past Bolsa Chica development.

However, if a unified LCP amendment is later evaluated by the Commission, BCLT requests that the Native American cultural site the applicant must construct be located on the Ridge property and not the Goodell property. (See Consent Cease and Desist Order Nos. CCC-13-CD-08, CCC-13-CD-09; Consent Restoration Order Nos. CCC-13-RO-08, CCC-13-RO-09.) Staff has found the Goodell site to provide greater opportunities for habitat preservation (Staff Report p. 5), so future disturbance of the site should be limited. Additionally, the Ridge parcel is the site of most of the unpermitted excavations (for which the Consent Orders were issued).

V. Future Considerations.

All staff recommendations and the reasons for denying the LCP amendment set forth in the Staff Report remain relevant to any future consideration of development at the Ridge. BCLT will ensure that these considerations do not disappear during future entitlement processes.

Although BCLT agrees with the staff recommendation to deny the LCP amendment, it is concerned about some of the alternative recommendations that staff has made to the developer. For example, the Staff Report recommends use of a six-foot block and a 150-foot buffer zone instead of the 300-foot buffer otherwise required to protect ESHA from encroaching residential development. (Staff Report p. 13.) Not only would such a wall provide insufficient protection from pets and invasive species, but it would set a terrible precedent for acceptable development buffers, both at Bolsa Chica and along the rest of the California coast.

If future development at the Ridge is to be considered, the language contained by Commission-imposed conditions for impacts to archaeological and cultural resources must be strengthened. BCLT knows from the Commission's experience with Application R5-05-020 in 2008 that the cultural resource conditions placed on these projects by the Commission is insufficient to provide true mitigation. In that case, which addressed the handling of artifacts and human remains at the Brightwater development, the Commission deemed itself unable to revoke a Coastal Development Permit despite violations of important cultural resource protections by the applicant and Scientific Resources Surveys, Inc. ("SRS"). If the Commission will be considering development at the Ridge in the future, BCLT respectfully requests that any conditions placed on that development give the Commission discretion to permanently halt development when necessary to protect archaeological and cultural resources. Native American communities have already suffered through the applicant and SRS' mismanagement of the human remains found at the Brightwater site.

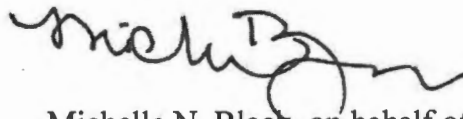
Additionally, the eleven volume final report on archaeological work conducted at the Brightwater development was not submitted to the Commission until December 20, 2013. Future development that may impact archeological and cultural resources should be considered in light of this report.

Finally, pursuant to section 5.1(B) of the Consent Orders, BCLT urges the Executive Director to find SRS (Scientific Resource Surveys, Inc.) and its archaeologists "an incompatible choice to conduct such restoration work" as a result of SRS's repeated failures to obtain permits before conducting archaeological work at Bolsa Chica and adjoining properties. (Consent Orders, Appendix A, p. 4.) BCLT objects to any use of SRS for future archaeological or restoration work on the mesa. Along these lines, it has come to the attention of BCLT that at least two of the peer reviewers for the 11-volume Brightwater Archeology Report now work for SRS.

Conclusion

Thank you for your consideration of these comments. BCLT urges the Commission to accept staff's recommendations and deny Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach's certified LCP because it violates policies of Chapter 3 of the California Coastal Act in insufficiently protecting coastal public access, sensitive biological resources, and irreplaceable archeological and cultural resources. BCLT supports consolidation of the planning processes for the Ridge and Goodell parcels in order to permanently protect all cultural, archaeological, and biological resources on the 11.2 acre site.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black", with a stylized flourish at the end.

Michelle N. Black, on behalf of the
Bolsa Chica Land Trust



California Cultural Resource Preservation Alliance, Inc.

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

December 29, 2013

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Meg Vaughn/Teresa Henry

Item number W24a
Application number HNB-MAJ-1-12
Patricia Martz, Ph.D., President
Opposition to the project.

RECEIVED
South Coast Region

JAN 2 2014

Re: Land use Designation Change for the ridge Property, Bolsa Chica

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners:

Please deny the proposed Land use Designation change from open space park to residential. As you know, this property contains some of the last remnants of CA-ORA-83/86 the internationally known village, cemetery and ritual center that is a unique and valuable part of California's patrimony. The village complex was established around 9,000 years ago by some of the first people to settle California. It was continuously occupied for over 7,000 years and represents one of the earliest ritual and trade centers in North America. It was the production and distribution center for the unique geometric stones (cogged stones) that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mohave Desert. The only other place in the world where cogged stones are found is in 9,000 year-old sites in coastal Chile indicating interaction with the people of Bolsa Chica by boat.

There are many outstanding questions regarding the cogged stones, the Chilean connection, and the fact that the civilization represented by this village complex was sustainable throughout thousands of years of environmental change. This site is significant for its scientific information and should be preserved for a future archaeology using technology that will be able to retrieve the information without destroying the site in the process. Most important, the site is recognized and revered as a sacred place by California Native American descendants who were devastated by the desecration of the graves of their ancestors to make room for a residential development. Clearly this ancient site has deep meaning to living Native peoples and stands as a testimony to the peaceful, sustainable culture that occupied coastal California for thousands of years.

More than 50 percent of the archaeological complex has been destroyed to make way for residential development. A site of this extraordinary antiquity and one that holds religious values for the descendants of a people, who suffered the loss of their lands and cultural traditions in the name of progress, deserves to be recognized and respected. We believe that it is in the highest public interest to keep the remaining area in Open Space designation and ask that you deny the application.

Sincerely,



Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647

Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

RECEIVED
South Coast Region

Agenda Item W 24a
Wednesday January 8, 2014

January 6, 2014

JAN 06 2014

Chair Steve Kinsey and Commissioners
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

Re: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP)

Dear Chair Kinsey and Commissioners:

The Amigos de Bolsa Chica agree with the Coastal Commission staff that the City of Huntington Beach LCP Amendment No. HNB-Maj-1-12 (Ridge) should be denied at this time as it does not meet the requirements of the Coastal Act. However, we encourage the City of Huntington Beach, the property owner and the Goodell property owners to continue working together to craft a solution that is equitable and consistent with the goals of the Coastal Act. The Goodell property is very valuable and preserving it as open space would enhance the protection of the wetlands. It is our understanding that this issue has been discussed by the City, the owners of both properties, and the Coastal Commission staff. We hope those discussions will continue.

Of course the acquisition and preservation of both the Ridge and Goodell properties would be the very best outcome, and we would support efforts to achieve public acquisition of both these properties. The owners, of course, must be compensated in a fair and equitable way.

As you know the Amigos de Bolsa Chica is the organization that worked for over 40 years to acquire the Bolsa Chica Wetlands. We were successful in our efforts and continue to monitor the restoration of the wetlands. We support efforts to ensure that the surrounding areas protect and serve as a buffer to this invaluable resource.

Thank you for your consideration of our position.

Sincerely,

Tom Livengood
President, Amigos de Bolsa Chica



BRIAN M. FAGAN

RECEIVED
South Coast Region

JAN 1 2014

CALIFORNIA
COASTAL COMMISSION

Item number: W24a
Application number: HND-MAJ-1-1
Professor Brian Fagan – Opposition to project

RECEIVED
South Coast Region

JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

The California Coastal Commission
South Coast Area Office,
200 Oceangate, Suite 100
Long Beach, CA 90802-4302

December 26 2013

Attn: Meg Vaughn/Teresa Henry

Dear Commissioners:

I much regret that I am unable to attend your meeting that will discuss the future of the Bolsa Chica property occupied by archaeological site ORA-83. Unfortunately, I have a long-standing commitment to deliver a lecture in Chicago during the period of your discussions. This letter summarizes what I would have said at the session.

I am an Emeritus Professor of Anthropology at the University of California, the author of many general books on archaeology from a global perspective, also the author of *Before California*, a description of the state's history before Juan Cabrillo. My decades-long experience gives me both a local and international perspective on Southern California's archaeological sites and pre-Columbian history.

In the interests of brevity, let me summarize the main points from an archaeological perspective, archaeology being something that many people are unfamiliar with:

- a. *The ORA-83, the subject of your deliberations, is not an isolated archaeological site.* It is part of an extensive complex of settlements, burial areas, and sacred sites that are now largely built over. The preservation of ORA-83 offers the last chance to preserve what remains of a unique, vital part of California's Native American past in a focal area for human settlement for thousands of years. The damage wrought to the finite archives of this past at Bolsa Chica by development and urban expansion has already been devastating.
- b. *The evidence for human settlement in the ORA-83 area extends back some 9,000 years, with one of the earliest bead-making sites on-site, a*

still little understood ancient activity. It's worth summarizing what happened here later:

- *By 7,000 years ago, people were buried here in carefully laid out arcs at this location, at a time when irrigation agriculture first began along Egypt's Nile River.*
- *The Ridge and ORA-83 are famous for their mysterious, unique cogged stones, which were part of intensified ceremonial activity. They have been found in different layouts at this location. Undisturbed deposits on the sites may one day yield vital information on ancient Native American rituals and beliefs.*
- *By 6,000 to 5,000 years ago, ceremonial activities had intensified at a place where important ritual activities probably attracted people from a considerable distance. Bolsa Chica was a magnet for hunting, fishing, and plant foraging as well as an important ritual center at the time when the first cities rose in Mesopotamia and the Egyptians built the Pyramids. Ritual activities continued here long after the focus of settlement moved elsewhere in the area after 4,000 years before present.*
- *By about 3,500 years ago, the ancestors of the modern-day Native American groups in the area arrived from inland. They still regard the mesa as an intensely sacred place.*

- c. *This long sequence of human activity is unspectacular by the standards of, say, the American Southwest, the Nile Valley, or Mexico. But the record preserved at ORA-83 and the Ridge is just as important as the archaeological sites found in these well-known areas with their flamboyant, elaborate cultures. What is preserved here is a unique record of brilliant, low-key adaptations to a challenging, ever-changing coastal world over more than 9,000 years. This record is just as much part of the common cultural heritage of humankind as the Parthenon, or the first Chinese emperor's terracotta regiment. Archaeological sites are finite archives, fragile and easily destroyed. ORA-83 is a record of many centuries of coastal folk going about their daily business, which is just as significant historically as a spectacular pyramid or a royal grave—and, in a world where sustainability and respect for the environment are on everyone's minds, the educational potential from a well preserved record of the past of this kind is enormous, even if it seems unspectacular. And, given the major advances in archaeological methods in recent years using high technology science, the amount that will be gleaned from sites like this, however disturbed, is potentially enormous.*

d. *Finally, and most important of all, the Ridge and ORA-83 have profound spiritual importance to the present day Native Americans of the area. It is in these sites that many of their revered ancestors are buried. Respect and reverence for ancestors is a fundamental part of Native American culture. It is only right that the spiritual significance of this location be respected and treasured for future generations. The equivalent would be to build houses on the site of a Christian cathedral or 19th century urban cemetery. We owe every religious belief profound respect, even if it is different from our own. Building over ORA-83 would be an act of disrespect for local cultures, which thrived in this area for nine millennia. We owe their modern descendants greater respect than that.*

The destruction of this site would wipe out one of the major archives of California history. I most forcibly urge that this important site be preserved for the benefit of future generations, as an important educational resource for the multicultural society that is the California of tomorrow. And respect for other cultures, other beliefs, is something that should transcend any financial considerations. It is, quite simply, an ethical matter, and this is, ultimately, an ethical decision that you face.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Fagan', with a long horizontal stroke extending to the right.

BRIAN M. FAGAN

Emeritus Professor of Anthropology

University of California, Santa Barbara

RECEIVED
South Coast Region

JAN 2 2014

December 29, 2013

**CALIFORNIA
COASTAL COMMISSION**

Item number W24a

Application number HNB-MAJ-1-12

Patricia Martz, Ph.D., Professor Emerita

California State University, Los Angeles

Opposition to the project.

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn: Meg Vaughn/Teresa Henry

Re: Land use Designation Change for the ridge Property, Bolsa Chica

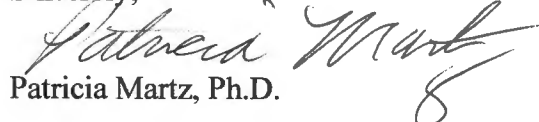
Dear Coastal Commissioners:

Please deny the proposed Land use Designation change from open space park to residential. As you are aware, the Ridge property contains some of the last remnants of CA-ORA-83/86 the cogged stone site. This internationally known village, cemetery and ritual center is a unique and valuable part of California's cultural heritage. The village complex was settled sometime around 9,000 years ago by some of the first people to occupy California. It was continuously occupied for over 7,000 years and through time covered the entire Bolsa Chica Mesa. The site represents one of the earliest ritual and trade centers in North America. In addition to an extensive shell bead industry, it was the production and distribution center for the unique geometric stones (cogged stones) that are believed to have functioned in an ancient religious congregation that extended from the coast to the Mohave Desert. Cogged stones are also found at sites dating to 9,000 years in coastal Chile, but no other place in the world. That the Chilean cogged stone are nearly identical to those at Bolsa Chica, strongly suggests that interaction was by boat.

There are many outstanding questions that can't be answered by today's state of the art. These include the use and meaning of the cogged stones, the Chilean connection, and the fact that the civilization represented by this village complex was sustainable throughout thousands of years of environmental change. Clearly the remaining portions of this ancient village complex should be preserved for a future archaeology using technology that will be able to retrieve the information without destroying the site in the process. Most important, the site is recognized and revered as a sacred place by California Native American descendants who were devastated by the desecration of the graves of their ancestors to make room for a residential development. It is evident that this ancient site has deep meaning to living Native peoples and stands as a testimony to the peaceful, sustainable culture that occupied coastal California for thousands of years.

Over 50 percent of the archaeological complex has been destroyed to make way for residential development. A site of this extraordinary antiquity and one that holds religious values for the descendants of a people, who suffered the loss of their lands and cultural traditions in the name of progress, deserves to be recognized and respected. I believe that it is in the highest public interest to keep the remaining area in Open Space designation and ask that you deny the application.

Sincerely,


Patricia Martz, Ph.D.

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA90802-4302
Attention: Meg Vaughn/Teresa Henry

Item Number W24a
Application #: HNB-MAJ-1-12
Position: Opposition to the Project

Dear Meg Vaughn and Teresa Henry,

As a forty year resident of Huntington Beach and an anthropologist with over 30 years of teaching and experience with applying anthropology to improve the quality of community life, I am writing today about the importance of preserving the Ridge Parcel at Bolsa Chica. Bolsa Chica is one of the most important archaeological sites in the United States and **it needs to be preserved as an open space park in the public interest.**

It was settled about 9000 years ago by some of the first people to migrate to California and it was continuously occupied for over 7000 years. It is the site of one of the earliest sacred ritual and trading centers in North America. The whole area of Bolsa Chica (ORA 85 and 83, and other site numbers of the area) is a sacred landscape comprising a large village complex with the main area of occupation varying over the centuries. The unique, mysterious, and sacred coggled stones were produced and distributed there to a vast network of tribes extending from the coast to the Mohave Desert. It needs to be preserved because **it is an open-air Cathedral** that was integral to the complex metaphysical lives of the California Native Americans who lived in a loving sacred bond with nature and the cosmos for millennium. The coggled stones as well as the archaeoastronomical alignments of Bolsa Chica's geography with the winter solstice and the equinoxes testify to that fact.

Currently Bolsa Chica is recognized and honored as a sacred site by California Native Americans who revere it in their yearly Ancestor Walk but, who need to be able to pay homage at the Ridge Parcel as well. They were devastated by the desecration of the graves of their ancestors when developers took more than 11 acres of ORA 83/86 for the Sandover gated housing and the Brightwater (Hearthside) housing development. The remaining 11 acres (5 acres Ridge and 6 acres Goodell) should be preserved as an open space in the public interest. If it is destroyed it will be gone forever and we will lose the opportunity to learn about the remarkable complex cultures that dwelled there for thousands of years.

Thank you for taking the time to read my request to preserve the Ridge parcel at Bolsa Chica as an open space park. Sincerely, Mikel Hogan

Mikel Hogan 12-31-13

Mikel Hogan, Ph.D., Professor
Applied Anthropologist
Chair of the Human Services Department,
Cal State University, California, Fullerton, CA 92834

RECEIVED
South Coast Region

JAN 6 2014

1

CALIFORNIA
COASTAL COMMISSION

**AGENDA ITEM NO. W24a
HNB-MAJ-1-12 (RIDGE LCPA)
SLR BAND OF MISSION INDIANS
OPPOSITION**

SAN LUIS REY BAND OF MISSION INDIANS

***1889 Sunset Drive • Vista, California 92081
760-724-8505 • FAX 760-724-2172
www.slrmissionindians.org***

January 2, 2013

Teresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

VIA EMAIL
Teresa.Henry@coastal.ca.gov
Meg.Vaughn@coastal.ca.gov

**RE: CALIFORNIA COASTAL COMMISSION AGENDA ITEM NO. W24A -
THE RIDGE (HNB-MAJ-1-12) — SAN LUIS REY BAND OF MISSION
INDIANS OPPOSITION TO THE RIDGE LCPA**

Dear Coastal Commissioners,

We, the San Luis Rey Band of Mission Indians ("Tribe" or "SLR Band"), have reviewed the Major Amendment Request No. HNB-MAJ-1-12 (The Ridge LCPA) of the City of Huntington Beach Certified Local Coastal Program (LCP) as prepared for the California Coastal Commission ("Commission") for public hearing and Commission action at the Commission's January 8-10, 2014 meeting in San Diego. We are a San Diego County Tribe whose traditional territory includes Camp Pendleton, the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as unincorporated areas in northern San Diego County, such as the communities of Fallbrook and Bonsall. The Tribe is resolute in the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions and throughout the state.

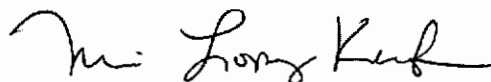
After our review, the Tribe is unquestionably **OPPOSED** to this Major Amendment Request being approved by the Commission. The land being proposed for additional residential development, 5 acres of what is known as The Ridge, and part of what is commonly known to the Native American community as "Bolsa Chica," is sacred to the Native American community because it is part of the Sacred Cogged Stone site and holds a significant place in our culture, history, and religion. Bolsa Chica was a huge village complex that represented one of the earliest ritual and trade centers for our ancestors. It was the production and distribution center for the unique cogged stones that have been part of Native American religious gatherings from the

California coast to the Mojave Desert. Moreover, this land has been nominated to the National Register of Historic Places and is internationally known as the sacred Cogged Stone Site.

Furthermore, in the previous residential development of the lands immediately adjacent to it, over 178 sets of Native American ancestral remains were desecrated. The actions taken against the ancestors to these lands and their most likely descendants have been exceptionally dishonorable and the significance of this land belittled and disrespected. This land is vitally important to our Native American religious and cultural beliefs and must be protected. This land must be preserved and protected for our future generations and future generations of California and the United States. The Commission should DENY the Ridge LCPA and KEEP this land in protective OPEN SPACE. The cost to the Native American people in this part of the state has already been too great. Much of our history and ancestral resting places have been annihilated for the sake of development. This is an area that needs to be protected from any further development. Protecting this land protects and preserves this state's irreplaceable cultural and natural resources. Allowing for this land to be further desecrated for the sake of 22 homes and some parking lots would be an unconscionable act by this Commission, therefore we demand that this Commission DENY the Ridge LCPA.

In conclusion, we, along with all of the California Native American tribes, implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety. We thank you for your continuing assistance in protecting our invaluable Native American cultural resources.

Sincerely,



Merri Lopez-Keifer
Tribal Legal Counsel

cc: Melvin Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations
Kim Kolpin, Bolsa Chica Land Trust

RECEIVED
South Coast Region

JAN 6 2014

Item # W 24a
Application # HNB-MAY-1-12

Katry Willcuts
Opposition to the project

CALIFORNIA
COASTAL COMMISSION
Dear Coastal Commissioners:

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington-Beach's LCPA which will come before you this January. This land, known as the ridge, is part of our Sacred Caged Stone Site, and holds a significant place in our culture, history and religion. For many years we have watched the destruction of our Sacred Sites to build houses, schools, malls, freeways, farms and factories we come together at this site so it is a Sacred place for our people in its entirety. This place is significant to our people and cannot be mitigated. We need our Sacred places to continue. Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The Spirit of the Coastal Act is to protect our

Coastal Resources, and these
ancient places, Bolsa Chica is a
precious resource which must be
protected for the present people and
for future generations.

I implore you to deny the
City of Huntington Beach LCPA
and to protect our sacred site in
its entirety,

Sincerely,

Kathy A. Wellent

Kathy A. Wellent

3441 Grove St.

Lenox Grove, CA

91945

(619) 317-57876

kat1212.kw@gmail.com.

December 30th, 2013

Coastal Commission Teresa Henry, District Manager
200 Oceangate, Suite 1000
Long Beach, CA 90802
RE: The Ridge (HNB-MAJ-1-12)

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

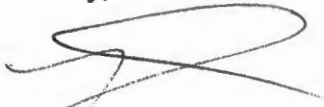
Dear Coastal Commissioners,

As an Indigenous person and supporter of the Indigenous people of this land, I strongly urge you to deny the City of Huntington Beach's LPCA which will come before you this January. This land, known as the Ridge, is part of the Tongva/Acjachemen Sacred Cogged Stone site, and holds a significant place in Tongva/Acjachemen cultures, histories, and religions. For many years, the Tongva/Acjachemen have stood looking out onto the site, blocked by fences, as they have celebrated their ceremonies. The Tongva/Acjachemen have watched the destruction of their sacred sites to build houses, schools, malls, freeways, farms and factories. The Tongva/Acjachemen come together at this site as it is a sacred place for their people, in its entirety. This place is significant to the Tongva/Acjachemen people and cannot be mitigated. The Tongva/Acjachemen need their sacred places to continue.

Too much of the Tongva/Acjachemen cultures have been destroyed at Bolsa Chica. The Tongva/Acjachemen must have these places to renew themselves, in order to continue to survive. Their ancestors' graves have been desecrated, their ancient villages graded away. The spirit of the Coastal Act is to protect Tongva/Acjachemen Coastal Resources, and these ancient places, Bolsa Chica is a precious resource which must be protected for the present people and for future generations. Respect all Tongva/Acjachemen human rights as accorded under the United Nations Declaration on the Rights of Indigenous Peoples by protecting this sacred site.

I implore you to deny the City of Huntington Beach's LPCA and to protect the Tongva/Acjachemen sacred site in its entirety.

Sincerely,



Larry Smith (Lumbee Nation)
2187 E21st. Street Apt. H
Signal Hill, CA 90755

California Coastal Commission
South Coast District
200 Ocean Gate, Suite 1000
Long Beach, Calif. 90802-4302

Dec 31 2013
RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Dear Ms Teresa Henry, District Mgr.

I am writing you in regards to the
Bolsa Chica Logged Stone Site.

Please do not destroy the ancient
1000-9000 yr old Coastal Village of Native
Culture which occupied our California
coast, for new development.

Since the invasion-coming of the
European to our lands, since 1492,
our continent has changed tremendously
and many ancient villages and structures
have been destroyed.

Many Natives of this continent and
those in California, would respect you
highly if you said no to destruction
and development of these native ancient
village areas.

Please honor and respect our Native
and sacred ancient structures and
villages.

Your No to this new development will be
highly appreciated. Thank You

'Purpecha' - Roberto Ramirez
510 Sugarman Ave. San Jose, Ca 95126

RECEIVED
South Coast Region

JAN 6 2014

Item No# W242
Application NO#
HNB-MAJ-1-12
Connie Kuszewski-Fong
in opposition to the Project

Dear Coastal Commissioners,

CALIFORNIA
COASTAL COMMISSION

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LCPA which will come before you this January. This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a significant place in our culture, history, and religion. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site as it is a sacred place for our people, in its entirety. This place in its entirety is significant to our people and cannot be mitigated. We need our sacred places to continue.

Too much of our culture has been destroyed at Bolsa Chica. We need these places to renew ourselves, in order to continue to survive. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa Chica is a precious resource which must be protected for the present people and for future generations.

I implore you to deny the City of Huntington Beach's LCPA and to protect our sacred site in its entirety.

Sincerely,

Connie Kuszewski-Fong

*Connie Kuszewski-Fong
2506 N Old Grand St
Santa Ana, Ca. 92705*

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Item W24a
App HNB_MAJ_1-12
Rebecca Robles
119 Avenida San Fernando
San Clemente, CA 92672
Opposition

December 30, 2013

Ms Meg Vaughn
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Dear Ms. Vaughn:

I am writing to express my concern regarding the proposal by the City of Huntington Beach and the developer and the possible impact on Native American cultural resources. The proposed land was previously zoned "open space" and should remain that designation.

The entire area is known to be an ancient village complex-these sites are recorded as ORA 83- and ORA86. The first people have lived there continuously for thousands of years. It is one of the earliest ceremonial and trade centers in North America. This place is where the cogged stones were produced and distributed. It was an ancient congregation site that extended from the coast to the Mojave Desert. It is a designated sacred site of the Acjachemen people. Our Mothers, Fathers, Aunts, Uncles, Grandparents and elders have fought for over thirty years to protect the site and graves of our Ancestors. Nothing in our previous history has prepared us for this travesty in prehistoric times burial grounds were respected and avoided.

Much has changed since our first interface with the new people in 1769, there is barely a trace that we lived here and walked this land. We are still here, against all odds- we are still here. We are a part of the cultural landscape and cannot be separated. The land is a repository for our culture, our religion, our songs, our memories, our histories, our stories and our future. We need our sacred site.

The proposed construction of 22 houses on the 5 acre Ridge site would cause further damage to remaining Native American culture resources and should be avoided. The developers have taken more than 11 acres of ORA83/86 for the Sandover gated development and the Brightwater (Hearthside) housing developments. The remaining 5 acres Ridge and 6 acres Goodell should be preserved as open space for future generations. It is in the public interest that not all the sacred lands be destroyed.

Respectfully,



Rebecca Robles
Acjachemen

RECEIVED
South Coast Region

JAN 3 2013

Item number W24a
Application number: HNB-MAJ-1-12
Rhonda Robles: "Opposition to the project"

CALIFORNIA
COASTAL COMMISSION

Jan .3, 2014.

Coastal Commission Teresa Henry, District Manager

200 Oceangate, Suite 1000

Long Beach, CA 90802

FAX 562 590-5084

RE: The Ridge (HNB-MAJ-1-12)

Dear Coastal Commissioners,

As an Indigenous person of this land, I strongly urge you to deny the City of Huntington Beach's LPCA . This land, known as the Ridge, is part of our Sacred Cogged Stone site, and holds a very significant place in our culture, history, and religion. For many years we have stood looking out onto the site, blocked by fences, as we celebrate our ceremonies. We have watched the destruction of our sacred sites to build houses, schools, malls, freeways, farms and factories. We come together at this site as it is a sacred place for our people, in its entirety. The history and significance cannot be mitigated. We need our sacred places to continue our culture and our traditions.

Too much has been destroyed at Bolsa Chica. Our ancestors' graves have been desecrated, our ancient villages graded away. The spirit of the Coastal Act is to protect our Coastal Resources, and the 9,000 year old archaeology, religious significance and culture of our people at Bolsa

Chica is a precious resource which must be protected for the present people and for future generations.

Please enforce the spirit of the law and deny the City of Huntington Beach's LCPA. Protect this sacred site in its entirety.

Sincerely,



Louis Robles, Sr.

Rhonda Robles

2830 E. 56th Way

Long Beach, CA 90805-5112



RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

2 additional
identical letters
were received
1/6/14

Please, In the name of everything that is good I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. Think about where your ancestors and relatives are buried, would you want someone to exhume their remains and build a Wal-Mart there!? Thousands of years of history wiped away just for residential homes?! If you can't protect this site, then what is your purpose? The ancient Native American peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area. PLEASE STOP THE DESECRATION OF SACRED SITES!!! ALL OF US ARE WATCHING THE CCC!!! Use the power you have to assist revitalization of Native American culture in California!

This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world. Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning and spiritual significance to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast. Please do not contribute to the further desecration and destruction of California Native peoples ceremonial centers.

More than 50% of the archaeological complex has been sacrificed for residential development. I ask you to keep the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Most sincerely,

Phil A. Montano



Jody Inchausti
5161 Skylark Drive
Huntington, CA 92649

RECEIVED
South Coast Region
DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

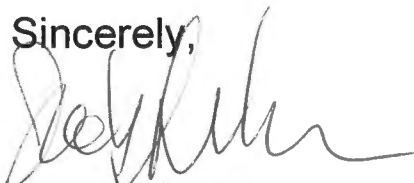
December 19, 2013

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate #1000
Long Beach, CA 90802-4316

Dear Ms. Vaughn,

I am writing because I fear that more of our precious Bolsa Chica wetlands and upper mesa area will be lost to construction we do not take action. As you know, many wetlands species also spend time on dry land, and the Ridge parcel is certainly included. There is also the risk of undesirable effects caused by residential runoff, pets, etc. Finally, the site just happens to be a very special and sacred place (one of few remaining) for Native American people. Please help us ensure that this beautiful and important land is preserved, not graded and paved!

Sincerely,



Jody L. Inchausti

December 22, 2013

RECEIVED
South Coast Region

DEC 26 2013

**California Coastal Commission
Attn: Meg Vaughn
200 OceanGate #1000
Long Beach, CA 90802-4316**

CALIFORNIA
COASTAL COMMISSION

**RE: Hearing of the City of HB's LCPA (HNB-MAJ-1-12)
determining the fate of the Ridge parcel at Bolsa Chica.**

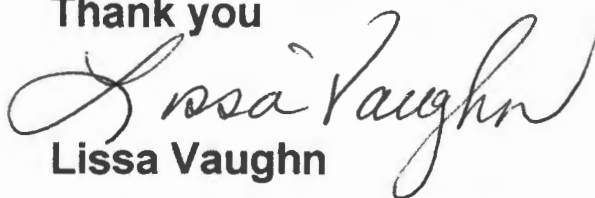
**Please accept this letter as my request to urge the
California Coastal Commission NOT to allow Signal
Landmark to build 22 homes on a 9,000 year old
archaeological site on the Ridge parcel at Bolsa Chica.**

**Please don't allow them to forever destroy this rare and
precious site as well as destroying more of our open
space and critical wildlife habitat.**

**This is one of the last remaining Sacred Sites for the
Native American people.**

Once it is gone it can never be reverted back!

Thank you


Lissa Vaughn

California Coastal Commission ,

Att. Meg Vaughn

200 Oceangate #1000

Long Beach, CA. 90802-4216

RECEIVED
South Coast Region

DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

12-23-2013

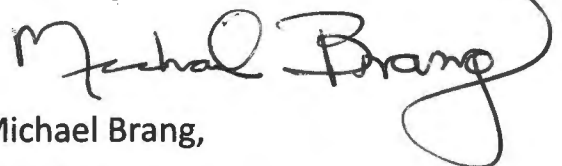
I urge the Coastal Commission to deny Signal Landmark permission to build homes on the Ridge Parcel at Bosa Chica. Bosa Chica's ecological and historical value / integrity is a combination of both wetlands and open mesas with each part dependent upon the other.

There can be no doubt that the California Coastal Committee can take much of the credit for what little of the Southern California Coast remains preserved. And now that the population of CA has just been announced to have passed 38 million and projected to be 50 million by 2040, places that the commission has set aside for all of those millions are , and will be , vastly more treasured.

A fully-preserved Bosa Chica – with the Ridge Parcel intact – to future students, wildlife, Native Americans, and even the coastal- economy , will be immensely more valuable and beneficial then to the occupants of 22 expensive homes.

Please take the heat, and standup – save what is left for us living in California now, and for the millions of citizens and wildlife to come.

Thank you,



Michael Brang,
31815 Via Belardes,
San Juan Capistrano, CA.

2442 Andover Place

Costa Mesa, CA 92626-6302

Dec 19, 2013

RECEIVED
South Coast Region

DEC 26 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

Attn: Meg Vaughn

200 Oceangate #1000

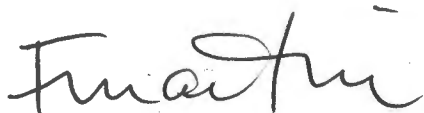
Long Beach, CA 90802-4316

The California Coastal Commission will be hearing the City of HB's LCPA (HNB-MAJ-1-12) on January 8th – 10th, 2014. This will determine the fate of the Ridge parcel at Bolsa Chica.

- The developer, Signal Landmark, wants to build twenty-two homes on a 9,000-year-old archaeological site
- This development will forever destroy this rare and precious site
- This development will destroy more of our open space and critical wildlife habitat
- This development will destroy one of the last remaining sacred sites for the Native American people

As Coastal Commissioners, you all have been entrusted by the people of California to safeguard our precious and fragile coastline. As residents of California, we urge you to deny the above-described project.

Thank you for your consideration,



Flo Nedeff Martin



Joe St. Clair

Mr. Ian M. Campbell
19361 Brookhurst St. #116
Huntington Beach, CA 92646

RECEIVED
South Coast Region

DEC 26 2013

December 22, 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
200 OceanGate #1000
Long Beach, CA 90802

Dear Ladies and Gentlemen:

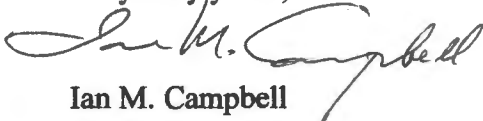
I am a resident of Huntington Beach and a frequent visitor to the Bolsa Chica Wetlands. I will always be eternally grateful to the people and organizations that protected and improved that wonderful local resource.

The purpose for my writing is to urge in the strongest terms that you disapprove the effort by Huntington Beach and Signal Landmark to add 22 new houses to the priceless archeological site overlooking the wetlands.

Please vote "NO" on HNB-MAJ-1-12.

Thanks for your consideration.

Very truly yours,


Ian M. Campbell

RECEIVED
South Coast Region

DEC 31 2013

CALIFORNIA
COASTAL COMMISSION

BCLT—letter to CCC regarding Ridge Property

TO: Chairman, California Coastal Commission (CCC)
Copies: all members, CCC
CCC Staff members

FROM: Roberta R. Armstrong, Ph.D.
Board Member, Bolsa Chica Land Trust

DATE: December 30, 2013

Please vote to deny the City of Huntington Beach's LCPA (HNB—MAJ 1-12) and the IP amendment for the Ridge project at Bolsa Chica (W24a). My formal request is in direct support of the CCC's staff recommendation: in essence, there must be a conjoined amendment for both the Ridge project and the adjacent Goodell Property.

There are several major points that validate this argument. The Ridge and Goodell properties are the last remaining pieces of privately owned land on the Bolsa Chica Mesa. This property is immensely important for cultural, biological, and archeological reasons. To summarize accordingly:

Archeology of Ridge property:

- CCC's staff has recognized the archeological significance of this site and its adjacent areas. The ORA-83 and ORA-86 site numbers are merely recording conveniences. The entire area was one huge village complex, with the main focus of occupation varying through time.
- ORA-86 and portions of ORA-83 represent the Intermediate Horizon occupation of 1700-2300 (SRS Bolsa Chica Technical Series No. 11, page 122).
- ORA-83/86 is a prominent site for international archeologists. It was established around 9,000 years ago by some of the first people to settle California, continuously occupied for over 7,000 years, and represents one of the earliest ritual and trade centers in North America.
- This site was the production and distribution center for the unique cogged stones that are believed to have functioned in an ancient religious congregation that extended from the Pacific coast to the Mojave desert.
- Cogged stones are also found in 9,000 year-old coastal sites in Chile indicating interaction with Bolsa Chica, probably by boat.
- We know that recent housing developments adjacent to this proposed development, Hearthside/Brightwater (beginning 2004) and Sandover, were disastrous in archeological terms.

Cultural aspects of the Ridge property:

- The site is recognized and revered as a sacred place by California Native Americans who were devastated by the desecration of the graves of their ancestors to make room for residential development.
- The California Native Heritage Commission continues to oppose further development. This position has been reaffirmed by a number of archeologists and anthropologists, and noted in the CCC staff's report.
- The developers have taken more than 11 acres of ORA-83/86 for the gated Sandover housing and the Brightwater (Hearthside) housing. The remaining 11 acres (5 acres Ridge parcel and 6 acres Goodell property) should be preserved.
- Any further activity regarding disposition of these two properties must include consultation with appropriate tribal members, the California Native Heritage Commission itself, and archeologists considered pre-eminent in this specialized area of study.

Biological aspects of Ridge property:

- There has been a general degradation of the property because of the proximity to and activities stemming from the Brightwater development. The ecological sensitivity of the Bolsa Chica Mesa continues to be severely challenged on a daily basis.
- Herbicides have been used on this property, killing native flora, including the southern tarplant, deemed endangered by the California Native Plant Society.
- Gravel has been dumped and spread/compacted; it has stopped the growth of native vegetation, some of which is rare as well as deemed specifically endangered.
- Blading has occurred, destroying opportunity for vegetative regrowth and causing erosion. Further alteration of the bluffs—or any other portion of this property in its natural state—violates the “General Plan of the City of Huntington Beach, Coastal Element.”
- The assault on the flora of this property has a profound negative effect on the fauna. The CCC staff has recognized the “special interest species detected on or adjacent to the Goodell site within the last several years.”
- Any further consideration regarding disposition of this property needs to include consultation with and analyses by biologists and botanists regarded as experts in this specific southern California natural environment.

The proposed amendment does not protect the cultural, archeological, or biological resources on this site. It should be defeated, and the Ridge property should retain the open space/park designation. In the future, the Ridge and adjacent Goodell property (11 acres, in total) must be considered as a single site. Any future discussions brought to the California Coastal Commission regarding the disposition of this conjoined property should include assessments by scientists and appropriate cultural spokespeople, as noted.

January 3, 2014

California Coastal Commission
Teresa Henry
200 Oceangate #1000
Long Beach, Ca 90802

Agenda W24a
HNB-MAJ-1-12
Denial

RECEIVED
South Coast Region

JAN 03 2014

RE: Agenda item W 24a

CALIFORNIA
COASTAL COMMISSION

I. The Ridge and Adjacent Properties Contain Irreplaceable Cultural Resources.

The LCP amendment contains insufficient mitigation measures and protections for cultural resources that may persist on the Ridge site, including the house pit, which warrants denial of the LCP amendment at this time.

A. The applicant's archaeological consultant (SRS) Scientific Resource Surveys concludes that additional cultural resources and human remains will not be found on the Ridge site. However, we must remember that the adjacent Brightwater development was similarly investigated by SRS prior to the beginning of grading and construction. The applicant told Staff at that time 97 % of the site had already been excavated, additional recoveries were unlikely. The permit to build was granted. Staff report pp24-27.

After the permit to build was granted a memo surfaced. In a November 2007 memo from the developer's archeologist to Ed Mountford et al in which it was disclosed that the following had been recovered at the Brightwater site. The following is stated:

- There are 87 human remains that need to be reburied
- There are 83 prehistoric features that were uncovered with the burials
- There are 4,217 artifacts that were found during grading monitoring on ORA 83
- There are 1,622 artifacts that were found during the grading monitoring ORA 85
- There are approximately 2,000 boxes of materials
- There are over 100,000 artifacts that have been collected.

January 19, 2007 memo to Ed Mountford from Nancy DeSautels "On Friday Ted and I will wrap each burial with its grave goods. Each individual will then be wrapped again in colored burlap coded to male (blue) , female (red) , and unknown (beige). Children will additionally have a color separation or other designator."

The Land Trust requested a revocation hearing in 2008 and at that time the Commission voted against revocation. Commission stated at the time that if they had known at the time of the permitting the significance of the archeological resources changes could have been made to the permit.

B. One of the conditions of approval for Brightwater development required an archeological report from SRS. All of the archeological work was done by SRS and completed in 2006 (page 24 staff report) the report was to be sent to Coastal Commission for peer review by 2007. Only recently was the 11 volume report submitted to ED on December 20, 2013. page 27 staff report
ELEVEN VOLUMES

In order for the Commission to consider this LCPA amendment it needs to be briefed by the Staff as to the contents of the 11 volumes. The Staff needs time to review and report to the Commission on the 11 volumes of this archeological report of the Brightwater development on ORA 83, 85 and 86. The Commission needs this invaluable information prior to making any decisions regarding further development on the remaining 11.2 acres of this area.

C. Three maps have been included with this submission. Attached #1,#2,#3)

First: map shows the cultural resources that have been impacted by development at Bolsa Chica.

Second: map generated by the SRS in the May 2009 Archaeological Abstract shows the boundaries of ORA 83/144/86

Third: map from same Abstract also shows boundaries of ORA 83/86/144

D. Also, the Peer Review committee composed of SRS employees. SRS staffing website with names <http://www.srscorp.net/staffing.html> Henry Koerper, Paul Chase. Roger Mason has been employed and may still be employed by SRS. The conflict of interest here is puzzling. Attached #4 and #5

E. This LCP amendment contains no mitigation for impacts that would be experienced by Native Americans who visit the Ridge site for worship and ceremonial purposes. (Staff Report p. 41.) The value of this land, as a cultural landscape, and its importance in the culture and religion of the Native Americans cannot be mitigated.

F. In 2012, four prominent archaeologists (Brian Fagan, Ph.D, John Foster, California State Archaeologist, retired; Patricia Martz, Ph.D. and Shannon Tushingham, Ph D.) sent a letter to their colleagues asking them to sign on to a letter asking Coastal Commission to preserve the remaining 11.2 acres of Cogged Stone Site. Over 41 signatories from around the country signed on to the letter.

See attached letter #6 and List of archeologists#7

These experts in the field of archeology recognize that these 11.2 acres represent the last opportunity for the Commission to mitigate the destruction of cultural resources and Native American sacred sites caused by past development in the area.

I urge the Commission to adopt the staff's recommendation to deny the amendment. However, I do not support the approval with conditions. There are too many uncertainties and unanswered questions. For instance:

On page 31 of Staff report, it states " The City has indicated that annexation of the Goodell property into the City was near completion until the process was suspended at the request of the Ridge property owner. What is the significance of such action? Why would the owners of the Ridge stop the annexation of another property owner's property?

Further on page 50 of Staff report, there is a sentence that raises questions about the level of cultural resources protection. It is unclear if **only** "controlled shallow layer grading prior to construction grading" would require a redesign to avoid impacts to cultural resources. At Brightwater development the discovery of major archeological artifacts were uncovered during **construction grading**.

For these and many other reasons, I urge denial of Major Amendment Request No. HNB-MAJ-1-12 I The Ridge) to the City of Huntington Beach certified LCP.

Sincerely,

Flossie Horgan
Co- founder and Boardmember
Bolsa Chica Land Trust

Attachments

1. map showing cultural resources lost
2. map from SRS May 2009 Archaeological Abstract boundaries of ORA 83/86/144
3. map from SRS May 2009 Abstract boundaries of ORA 83/86/144
4. Peer Review report 2009 members Paul Chase, Henry Koerper and Roger Mason
5. SRS website employees Paul Chase and Henry Koerper
6. Letter from Brian Fagan, Ph.D, John Foster, State Archeologist, retired; Patricia Martz, Ph.D, and Shannon Tushingham, Ph.D.
7. Signatures from experts in field

ARCHAEOLOGICAL SITE RECORD
(Supplement)

Permanent Trinomial: CA-ORA-83/86/144
Other Designations: Strandt #7;
Herring's "A" and "E" loci;
"The Cogged Stone Site"

38. Archaeological Site Map:

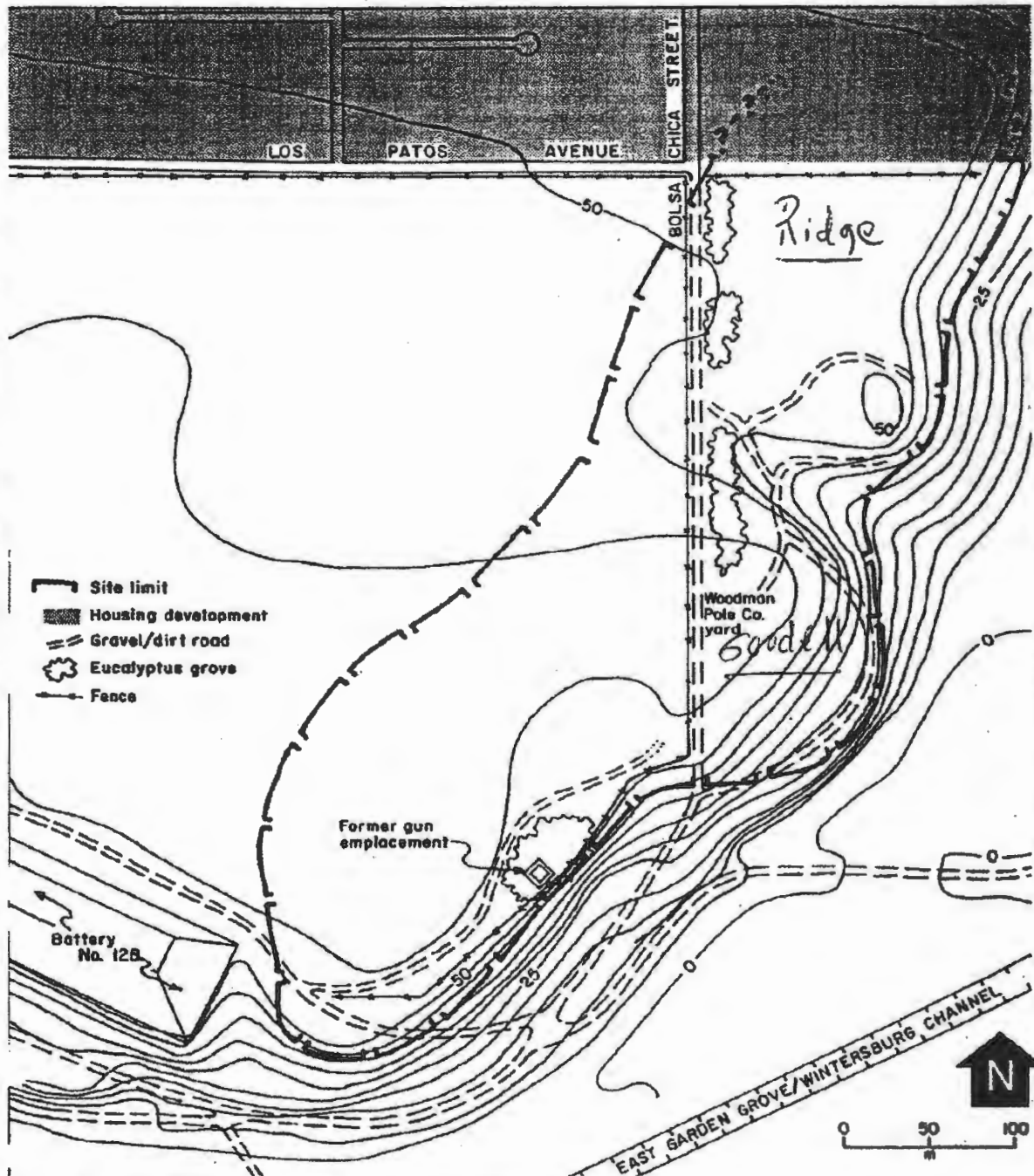


Figure 14: 1988 Site Form for ORA 83/144/86: INFOTEC. Source: South Central Coastal Information Center, California State College, Fullerton.

December 10, 2009

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

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

Dear Dr. Desautels,

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

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

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

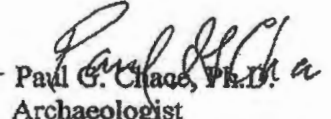
Sincerely,



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

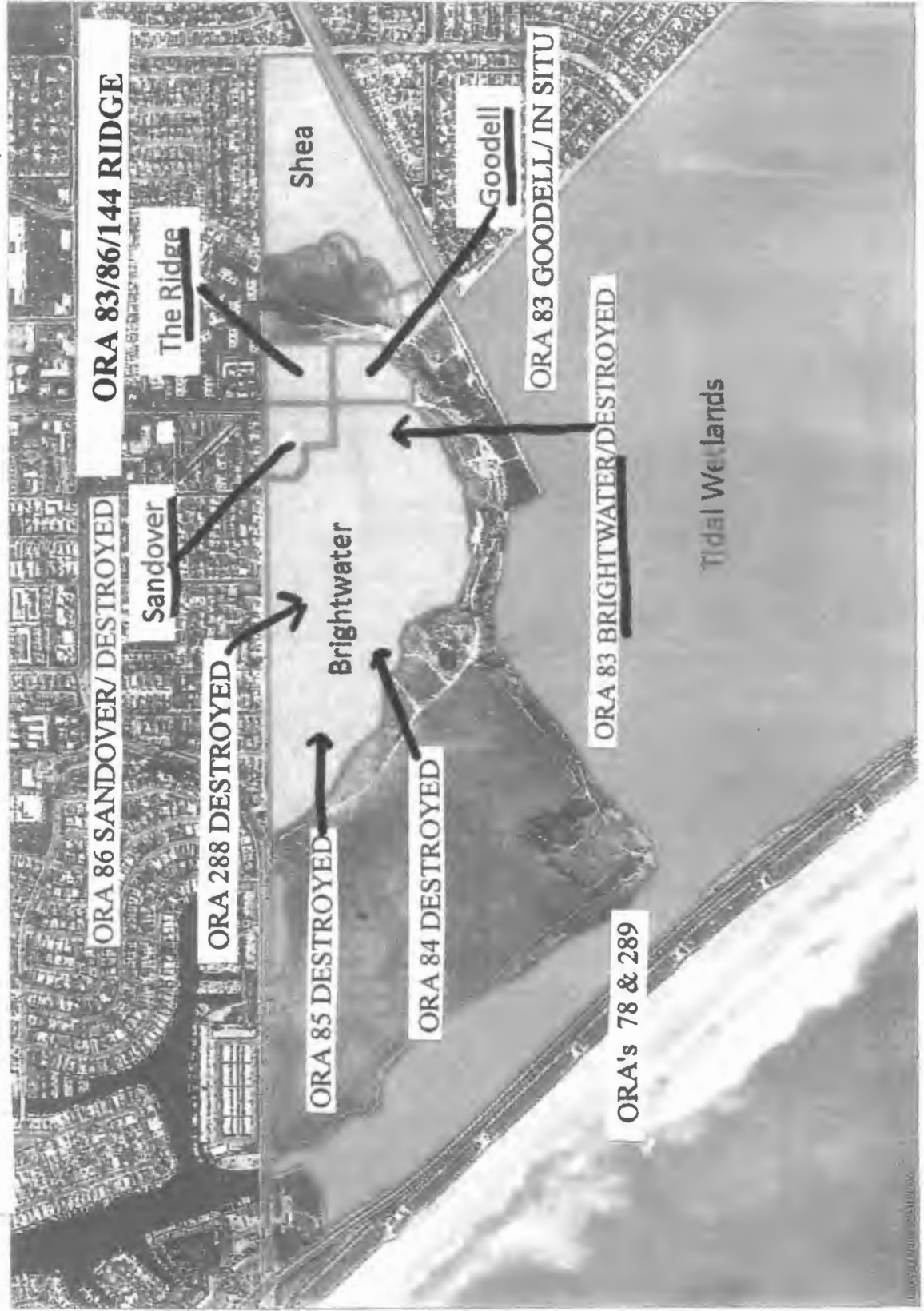


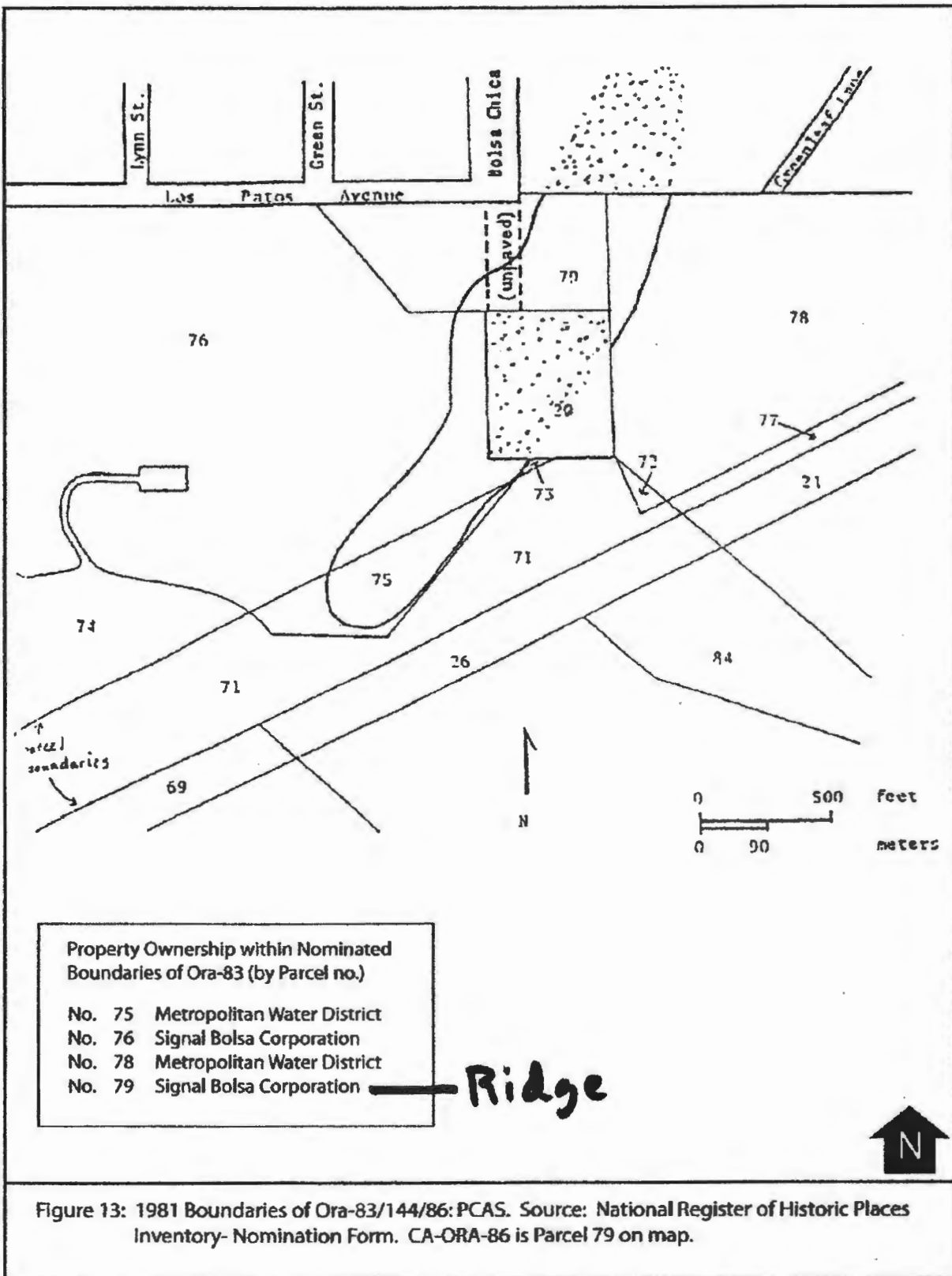
Henry C. Koerper, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee



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

LOSS OF CULTURAL RESOURCES







"Still Leading Cultural Resources Management into the Future!" EST. 1973

DBE and SBE Certified
Member ACRA,
RPA Certified for
Archaeological and
Historic Studies

Home

About SRS

Qualifications

Organizational
Chart

Staffing

Controls
and Budget

Services

Projects

Press Releases

Contact Us

714-685-0204

STAFFING

SRS Personnel meet or exceed the Secretary of the Interior's Professional Qualifications Standards to work as Principal Investigator for Prehistoric and/or Historic Archaeological Investigations, History, Architectural History, Historic Architecture, Historic Preservation, Ethnographic Work and Paleontological Investigations [Code of Regulations 36 CFR Part 61]. Several individuals on SRS, Inc. staff have been certified as Principal Investigator by agencies including the counties of Orange, Los Angeles, and Riverside, the City/Harbor of San Diego, the California Coastal Commission and the California Energy Commission. In addition to management concerns and insuring that research objectives are met, the principal investigators have had between 10 and more than 35 years dealing with the political objectives of the client; the academic objectives of archaeological and paleontological interest groups, historical societies; the traditional and spiritual interest of numerous Native American tribal groups; the guidelines of federal and state agencies, particularly the Native American Heritage Commission, the California Coastal Commission, the California State Historic Preservation Office; and the requirements of many county and city governmental entities.

DR. NANCY ANASTASIA WILEY, Ph.D.

President/Owner SRS

Principal Investigator and Research Director

DR. PAUL G. CHACE, Ph.D.

Paul G Chace and Associates - Consultants

Third co-Principal Investigator and Project Manager

DR. HANK KOERPER, Ph.D.

Private Consultant

Second co-Principal Investigator and Pre-historian

GERLADINE ARON, M.S.

Paleo Solutions - Consultants

Paleontological Investigations

SCOTT R. ARMSTRONG, A.A.

Paleo Solutions - Consultants

Paleontological Field and Laboratory Manager

ROY PETTUS, M.A.

Private Consultant

Field Director, Marine Archaeologist

RYAN TAFT, B.A., M.A. [student]

Field Director, Archaeological Investigations,
GIS, ERSI Specialty

MAUREEN LYNCH, M.A.

Archaeological Investigations, Geophysics,
GIS Specialty

ANDREW GARRISON, M.A.

Lab Director, Historic Preservation

Prehistoric Lithics Specialty

LAURA BATSTONE, B.A.

Historical Research and Documentation

REZENET MOGES, M.A.

Digital Graphic Design, 3-D replication

MARGARET ZACHOW WETHERBEE, M.A.

Historical Research, Museum Curation

CONNIE "DESTINY" COLOCHO, B.S.

Archaeological Investigations, Lithics Specialty

AMY TUPA, M.A.

Archaeological Investigations, Artifact Analyst,
Archival Researcher

SRS, Inc 2324 N. Balavia Street, Suite 109 Orange CA 92865
Phone: (714) 685-0204 Fax: (714) 685-0082

Subject:

FW: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge)

RECEIVED
South Coast Region

JAN 03 2014

January 2, 2014

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

I support staff's recommendation to DENY the City of Huntington Beach major amendment request regarding the Signal Landmark property at the intersection of Bolsa Chica & Los Patos. The amendment should be rejected for two substantial reasons:

1. the proposed conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use designation and corresponding loss of land designated open space recreational area within the Bolsa Chica vicinity.
2. the City's certified LCP specifically protects the mesa bluff at Bolsa Chica.

The city will probably argue that it has plenty of Open Space within its borders to meet the needs of its residents, thanks to the annexation of Sunset Beach and all the beachfront that was included in that transaction. But the beach is a different type of recreation from a grassy park. Tourists go to the beach, they don't go to a neighborhood park. The beach is primarily a summer use, whereas a neighborhood park is for year-round use. You don't need to pay to park the car at a neighborhood park.

Additionally, this west side of Huntington Beach is sorely lacking in grassy parkland, if you look at a map of the entire Bolsa Chica area.

Moreover, the city's LCP specifically protects this bluff. There has been some debate as to whether or not the Bolsa Chica bluff is a COASTAL bluff, but that argument is a moot point in this case, since the existing LCP language does NOT describe the Bolsa Chica mesa bluff as a Coastal Bluff. THE EXISTING CERTIFIED LCP LANGUAGE SIMPLY SAYS BLUFF, WITHOUT ANY QUALIFIER. Ergo, the bluff is protected by the existing LCP.

Thank you for continuing to uphold the Coastal Act.

Julie Bixby
Huntington Beach, CA

Engage Romulan .sig cloaking device...

John W. Foster
8654 Amber Oaks Court
Fair Oaks, CA 95628

RECEIVED
South Coast Region

JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

Dec. 26, 2013

Ms. Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Land Use Designation Change for the Ridge Property, Bolsa Chica

Dear California Coastal Commissioners,

I write to urge you to deny the proposed Land Use Designation change referenced above. As you are aware, this property contains some of the last remnants of a 9,000 year old village, cemetery and population center that makes it a valuable touchstone for California's history. The ancient peoples who occupied this terrace above a lagoon on what is now known as the Santa Ana River established one of the oldest settlements on the Pacific coast. They developed a characteristic cogged-stone industry – unique in North America. We have yet to discover their exact use, but these ancient artifacts were concentrated at the site designated CA-ORA-83/86 and traded across the southern California landscape. The cogged-stones probably mark the spread of language, ritual and cultural enterprise by peaceful villagers across a tremendous area.

This site is highly significant for its scientific information as well as important heritage value to living native people in southern California. It represents some of the earliest human settlement on the Pacific coast. Deepest archaeological components were laid down at least 2,000 years before Stonehenge was erected (5,000-3,000 BP); and 2,500 years prior to the laying of the first stones of the pyramids on the Giza plateau (4,500 BP). The first sections of China's Great Wall were constructed some 2,700 years after the Bolsa Chica settlement was established. These archaeological deposits are known to represent some of the earliest settled villages in the world.

Certainly this kind of extraordinary antiquity deserves to be recognized and respected. It has deep meaning to living Native peoples and stands as testimony to the peaceful, sustainable California culture that once occupied our coast.

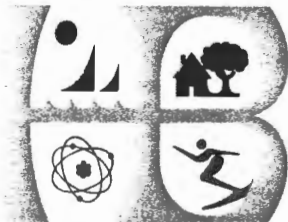
Ms. Teresa Henry
p.2

More than 50% of the archaeological complex has been sacrificed for residential development. I ask you to keep the remaining area (5 acres Ridge and 6 acres Goodell) in Open Space designation. That is the appropriate and higher use of this ancient site in the public interest.

Most sincerely,

A handwritten signature in black ink, appearing to read 'John W. Foster', with a long, sweeping horizontal line extending to the right.

John W. Foster
Manager of Archaeology and History
California State Parks (ret.)



City of Huntington Beach

P. O. BOX 190

2000 MAIN STREET

CALIFORNIA

RECEIVED
South Coast Region

Jim Katapodis
City Council Member

JAN 6 2014

December 30, 2013

CALIFORNIA
COASTAL COMMISSION

*COPY OF THIS CORRESPONDENCE SIMULTANEOUSLY SENT BY MAIL
TO THE CALIFORNIA COASTAL COMMISSION STAFF*

Steve Kinsey, Chairman
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

Commissioner Mary Shallenberger
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

Commissioner Dayna Bochco
California Coastal Commission
45 Fremont St.
Suite 2000
San Francisco, CA 94105

Dr. Robert Garcia, Commissioner
California Coastal Commission
c/o City of Long Beach City Hall
333 West Ocean Blvd., 14th Floor
Long Beach, CA 90802

Commissioner Jana Zimmer
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Commissioner Wendy Mitchell
California Coastal Commission
12949 Blairwood Dr
Studio City, CA 91604

Commissioner Mark Vargas
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear California Coastal Commissioners:

Re: Request for a NO Vote on LUP Amendment Request No. 1-12 and IP
Amendment for the Ridge Project at Bolsa Chica (W24a)

Please vote NO on LUP Amendment request No. 1-12, and the IP amendment
for the Ridge Project at Bolsa Chica.(W24a), scheduled for hearing on
January 8, 2014.

Background:

In 2010, the Huntington Beach City Council changed the land use designation on the Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area which the Coastal Commission staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the City's LCP jurisdiction, or indeed southern California." (Page 2 of Staff Report). I believe the then city council erred in its decision.

Issues for Concern:

Coastal Commission staff recommends that a unified LCP amendment is needed for both the Ridge project and the immediate adjacent Goodell Property, and I support their recommendation. Enumerated below are some issues raised on why a NO vote on the LUP Amendment Request is called for:

1. The proposed project violates the Coastal Element of the General Plan of the City of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

The biological resources on the adjacent Goodell Property will be affected by the development on the Ridge Property, yet no protection plan was provided for these biological resources. Your staff reports "additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Poliioptila californica*) surveys conducted in the vicinity by a biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

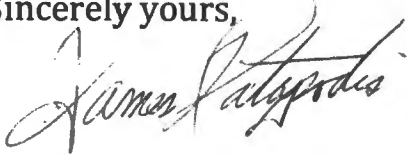
2. The Ridge site and the Goodell Property is all one site and thus, should be treated as such. Together, the Ridge and the Goodell Property are the last remaining privately-owned undeveloped pieces of land on the Bolsa Chica Mesa. These areas proved it to be an important cultural landscape and are therefore valuable parcels and should be afforded treatment as such.

3. The applicant touted its project to the Huntington Beach City Council as a "green" project since the buildings were to be "solar ready." However, no development should be labeled "green" when it requires a land use designation change from "Open Space - Parks (OS-P)" to "residential." Furthermore, the Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is located on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

It is evident that the proposed LCP amendment lacks the required protection of the site's biological and cultural resources, violates the Coastal Element of the General Plan of the City of Huntington Beach, and under the Coastal Act, seeks conversion from a high priority use to a lower priority use.

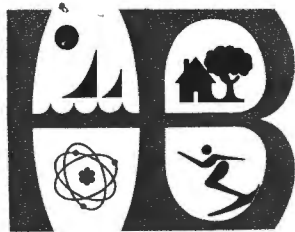
Given these reasons, I trust the Coastal Commission will prudently vote NO on the proposed amendment.

Sincerely yours,



Jim Katapodis
Councilman, City of Huntington Beach

cc: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
California Coastal Commission - Orange County
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416



City of Huntington Beach

P. O. BOX 190

• 2000 MAIN STREET

• CALIFORNIA 92648

Connie Boardman
City Council Member

December 30, 2013

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Chairman Steve Kinsey
California Coastal Commission
County of Marin Board of Supervisors
3501 Civic Center Drive # 329
San Rafael, CA 94903-4193

(A copy of this letter has been sent to all Coastal Commissioners as well as Coastal Commission staff.)

Dear Chairman Kinsey:

Please vote to deny the LUP Amendment request No. 1-12, and the IP amendment for the Ridge Project at Bolsa Chica. (W24a). I completely agree with your staff that there needs to be a unified LCP amendment for both The Ridge Project and the immediately adjacent Goodell Property.

There are several important reasons I am making this recommendation and each is explained in detail in the letter:

First, the project violates the Coastal Element of the General Plan of the city of Huntington Beach by allowing the natural formation of the bluffs on the northwest side of the Bolsa Chica Mesa to be altered.

Second, I believe the applicant engaged in anticipatory demolition of biological resources on the site, specifically southern tarplant.

Third, neither the biological or archeological resources are adequately protected.

Fourth, the Ridge site and the Goodell Property are all one site and need to be treated as such.

Together The Ridge and the Goodell Property are the last remaining privately owned, undeveloped pieces of land on the Bolsa Chica Mesa. This area has revealed itself to be an important cultural landscape. A landscape that, unfortunately, the adjacent Brightwater Development largely destroyed, which makes it extremely important that these two parcels are treated with the upmost care.

In 2010, the Huntington Beach City Council changed the land use designation on The Ridge parcel from open space/parks to the lower priority residential so the developer could build 22 more houses on an area your staff refers to as "significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the city's LCP jurisdiction or, indeed, Southern California." (Page 2 of staff report)

The applicant touted its project to the Huntington Beach City Council as a "green project" since the houses were to be solar ready. However, I can see no way any development can be called "green" when it requires a land-use designation change from Open Space – Parks (OS-P) to residential.

I believe the City Council at the time erred in its action. The proposed project will alter the natural landform of the bluffs on the east side of the project. These bluffs are on the north and west side of the Bolsa Chica lowlands and the city's coastal element specifically calls out these bluffs for protection and prohibits any development that will alter them.

Here is the language from the city's Coastal Element that protects the bluffs from the impacts of this residential development:

Policy C.4.4.2 states, "Prohibit private development of the natural landform of the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the north western edge of the Bolsa Chica low land) within the city's jurisdiction that would alter the natural landform or threaten the stability of the bluffs." Drainage systems and other such facilities necessary to insure public health or safety may be allowed provided that bluff alternation is restricted to the minimum necessary and is done in the least environmentally sensitive manner."

Also, 4.4.4 states, "City will develop an implementation program that will preserve and maintain the physical features of wetlands, bluffs, and beaches. (Emphasis mine)"

The Ridge Project will impact the bluffs that rise from the northwest side of the Bolsa Chica lowlands. This project is on the Bolsa Chica Mesa, which rises from the west side of the lowlands.

Another issue that concerns me is the aggressive removal of vegetation on the site. I have attached photographs that show the parcel in 2009 and additional photos that show workers spraying herbicides on the plants on the site. At the City Council Meeting in July 2010, when this project was heard, Mr. Ed Mountford confirmed that herbicides were sprayed on the site.

In its letter to Douglas Goodell, dated July 10, 2009, the consulting firm LSA reports that on the immediately adjacent Goodell Property, "Local residents have reported observations of southern tarplant on the site in 2008 and 2009. The location and numbers observed by LSA are generally comparable to the reported observations by local citizens. However, LSA found one location not previously noted, and in one location, in the southern-central portion of the property, there were numerous very small seedlings that brought the estimated number of plants in this area to 900-1,000."

In August of 2009, The Ridge Property was sprayed with herbicides. The southern tarplant is a rare plant, considered endangered by the California Native Plant Society, and is found elsewhere on the Bolsa Chica Mesa. It is an annual plant that is highly transient and it is reasonable to expect that the plant would have moved onto The Ridge Property from the Goodell site except for the aggressive removal of plants by the property owner.

Gravel has also been laid down on the site and blading has occurred to prevent the re-growth of vegetation. What the applicant may call "weed abatement" I call anticipatory demolition of sensitive species.

By not allowing any vegetative growth on the property and by not removing the gravel, the property owner has also reduced the use of the land by animals such as gophers and ground squirrels, which I know from personal experience, are found in high numbers on the immediately adjacent Goodell Property and the lower bench of the Bolsa Chica Mesa. By artificially suppressing the populations of these animals on the site, the use of the site by foraging raptors has also been artificially reduced.

The biological resources on the immediately adjacent Goodell Property will also be affected by the development on the Ridge Property, yet the plan offers no protection for these resources.

Your staff reports, "Additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Poliophtila californica*) surveys conducted in the vicinity by the applicant's biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site." (Page 27-28).

Your staff also recognizes the extraordinary cultural importance of these last two remaining sites on the Bolsa Chica Mesa. While unpermitted archaeological investigations have been carried out on The Ridge Property, that does not guarantee that burials will not be found on The Ridge site.

Nancy Desautels-Wiley, the developer's archeologist, spoke about the cultural resources on the Bolsa Chica Mesa publicly at the April 8 and May 13, 2010, meetings of the Pacific Coast Archeological Society. Her talks were video-taped and she is recorded saying that there is a "100% chance of finding more clogged stones on the Goodell Property and a high likelihood of finding more burials." She has also stated that the Bolsa Chica Mesa is really all one site and these boundaries were "silly."

We only have to look at what was found on the Brightwater site (across the street from The Ridge) after grading started to show that archeological investigations do not uncover all the cultural resources on a site.

The Orange County Voice on April 1, 2008, reported, "*When applying to the Coastal Commission for a permit in October of 2004, Hearthsides reported that 97 percent of the ORA-83 site was excavated. Commission staff reviewed the site a month later in Oct. 2005 and concluded that it 'appears to be virtually 100 percent recovered.'*"

We now know of course that was not the case.

Chairman Steve Kinsey
Page 4
December 30, 2013

On February 28, 2008 The LA Times reported: *Archaeologists have removed 174 sets of human remains from a controversial housing development under construction in Huntington Beach, bolstering claims that it was a significant prehistoric Native American settlement. Dave Singleton, program analyst for the California Native American Heritage Commission, said 87 sets of remains were removed before Hearthside Homes broke ground on its Brightwater development near the Bolsa Chica wetlands in June 2006 and 87 more since then.*

Your staff recognizes this as well by stating, "Even though the results of the archaeological work conducted on site conclude that no further significant resources are expected at the site, past archaeological investigations in the project vicinity indicate that this conclusion may not be definitive.

This same conclusion was drawn by the archaeological consultant after decades of investigation and excavations, but extensive significant resources were discovered after the residential development was approved and the applicant had obtained authorization to begin construction. (Emphasis mine)

Through the implementation of Commission required archaeological or shallow layer grading, designed to detect the presence of any remaining buried resources additional resources were discovered, including 74 human burials and other grave related artifacts, in areas where the archaeological consultant had concluded none were expected.

It is important that no action taken on either the Ridge or Goodell Properties, including action on this LCP amendment, **preclude preservation in place of any significant cultural resources that remain.** It is likely that the cultural significance of both sites does not stop at the modern property boundary. This is underscored by the fact that the resources that were discovered and removed as a result of the unpermitted archaeological work, the prehistoric dwelling unit and related artifacts, were found on both sides of the Ridge/Goodell property line." (Staff report page 25-26)

It is clear that the proposed LCP amendment offers inadequate protection of biological and cultural resources, found on the site, violates the Coastal Element of the General Plan of the City of Huntington Beach, and seeks to convert a high priority use under the Coastal Act to a lower priority use. For all these reasons the amendment must be denied.

Sincerely,



Connie Boardman
City Council Member
City of Huntington Beach

CB:cf

xc: Coastal Commission Members
Sherilyn Sarb, South Coast Deputy Director
Theresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

Four Photos showing the use of herbicides on the Ridge Property follow below



Figure 1.0 August 2009, Ridge Property Bolsa Chica Mesa



Figure 2.0 August 2009, Herbicide Spraying, Ridge Property Bolsa Chica Mesa



Figure 3.0 Herbicide Spraying Ridge Property Bolsa Chica Mesa, August 2009



Figure 4.0 Ridge Property Bolsa Chica Mesa, December 29, 2013
Looking east from Brightwater Road with the northern eucalyptus ESHA in background

Item number **W24a**

Application number: HNB-MAJ-1-12
Steve Anderson, "Opposition to the project"

The California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Attn: Meg Vaughn/Teresa Henry

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Commissioners:

Concerning the Ridge Parcel of Bolsa Chica wetlands, I do not think any further consideration of development is warranted. I am a long time resident of Fountain Valley, an environmentalist, and enjoyer of wild places.

The wetlands are one of the last coastal strips that remain relatively wild. It is a place for migrating birds to rest and feed as well as an undisturbed estuary for marine life.

Bolsa Chica offers a place for people to leave the city behind and take a walk along paths that teach the sensitivity of our coastal wetlands as well as significant historical values of the area.

Because these wetlands are so rare, we don't need any more development to occur. What we need is to leave the place as it is without more human interference or construction.

Respectfully,



Steve Anderson
Fountain Valley

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

December 31, 2013

Dear California Coastal Commissioners,

Re: Land use designation change
for Ridge property, Bolsa Chica

Please deny the proposed Land use
Designation change.

Please leave the ancient lands alone.
Put a museum, so all will know and learn
about the ancient peoples who lived there
before so many years ago.

Thank you for acknowledging my
request on saving and preserving the
lands at Bolsa Chica.

Adrianna Rizo
1189 Shortridge Ave. #4
San Jose, Ca. 95116
(408) 561-0655

January 1, 2014

Dear Commissioners:

I urge you to deny Signal
Landmark permission to build
22 additional houses on the
11 acre Sacred Site for Native
American people in our Bolsa Chica.

Sincerely,

Michael D. Sloan (Michael D. Sloan)
17911 San Leandro Lane
Huntington Beach, CA 92647

(714) 928-3619
mikesloan76@hotmail.com

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

17201 Hague Ln,
Huntington Beach, CA
92647
Jan 2, 2014

RECEIVED
South Coast Region

JAN 6 2014

CALIFORNIA
COASTAL COMMISSION

Calif. Coastal Comm.
200 Ocean Gate #1000
Long Beach, CA
90802-4316.

Dear Ms. Vaughn,

Please preserve the Bolsa
Chica by preventing the Ridge
Project from being approved.
22 new homes will destroy forever
this rare & precious site that
has been a Native American
Sacred Site for 9,000 years.

Please stop this needless,
greedy developer from continued
development of the Bolsa Chica.

Sincerely,
Mary Martin
714-843-9129.

Item number W24a

Application number: HNB-MAJ-1-12

Georgia Cunradi-- "Opposition to the project"

The California Coastal Commission

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

JAN 2 2014

Attn: Meg Vaughn/Teresa Henry

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

As a long-time local resident, Earth Science high school teacher, and environmentalist, I urge that there should be no further consideration of development on the Ridge site of Bolsa Chica wetlands. My position is as follows:

- a) This estuary is already environmentally impacted by limiting habitat for the migration of birds
- b) Bolsa Chica is an historical site for Tongva Native Americans as cog stones dating back 9000 years have been discovered here.
- c) Endangered and protected species have started to improve their population numbers due to the flushing out of the tidal wetlands. More real estate would imperil these species.

These types of coastal estuaries have been become rare in California, being forever lost to human construction. More real estate and population growth = more pollution, automobile traffic, less land for human recreation and spiritual peace, and habitat loss.

Some places are worth protecting. This is one such place.

Respectfully submitted,



Georgia Cunradi
2007 Delaware, HB, 92648

Ilse M. Byrnes
P.O. 1029
San Juan Capistrano, CA 92693

RECEIVED
South Coast Region

JAN 2 2014

Cal. Coastal Commission
South Coast District
att: Teresa Henry
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

12/28/13

RE: CA-ORA 83

I urge you to deny the application of the City of Huntington Beach and the developer to rezone the 5 Acres from open space to residential.

This is a very historic significant site and one of the few remaining archaeological treasures. A large portion of this area has already been destroyed by development so it is most important to keep the last 5 Acres protected .

Sincerely,



Eileen Murphy
1550 Security Pl. #234
SAN MARCOS, CA 92708

12/30/13

RECEIVED
South Coast Region

JAN 6 2014

Meg Vaughn

CCC

200 Ocean Gate, #1000

Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners,

Re: W 24a City of Huntington Beach LCPA (HNB-MAJ-1-12)

I am writing to urge you to deny this project LCPA.
This site is a sacred site and is a cemetery for the
indigenous people for the last 10,000 years.

Please save this site from development.

Respectfully,

Eileen Murphy

From: Julie Bixby <julie@bixby.org>
Sent: Thursday, January 02, 2014 8:42 PM
To: Vaughn, Meg@Coastal
Cc: Schwing, Karl@Coastal
Subject: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge)

January 2, 2014

Dear Ms. Vaughn,

I support staff's recommendation to DENY the City of Huntington Beach major amendment request regarding the Signal Landmark property at the intersection of Bolsa Chica & Los Patos. The amendment should be rejected for two substantial reasons:

1. the proposed conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use designation and corresponding loss of land designated open space recreational area within the Bolsa Chica vicinity.
2. the City's certified LCP specifically protects the mesa bluff at Bolsa Chica.

The city will probably argue that it has plenty of Open Space within its borders to meet the needs of its residents, thanks to the annexation of Sunset Beach and all the beachfront that was included in that transaction. But the beach is a different type of recreation from a grassy park. Tourists go to the beach, they don't go to a neighborhood park. The beach is primarily a summer use, whereas a neighborhood park is for year-round use. You don't need to pay to park the car at a neighborhood park.

Additionally, this west side of Huntington Beach is sorely lacking in grassy parkland, if you look at a map of the entire Bolsa Chica area.

Moreover, the city's LCP specifically protects this bluff. There has been some debate as to whether or not the Bolsa Chica bluff is a COASTAL bluff, but that argument is a moot point in this case, since the existing LCP language does NOT describe the Bolsa Chica mesa bluff as a Coastal Bluff. THE EXISTING CERTIFIED LCP LANGUAGE SIMPLY SAYS BLUFF, WITHOUT ANY QUALIFIER. Ergo, the bluff is protected by the existing LCP.

Thank you for continuing to uphold the Coastal Act.

Julie Bixby
Huntington Beach, CA

Engage Romulan .sig cloaking device...

Approximately
200 copies
Received

Dear Coastal Commissioners,

As a resident of Southern California, I support the Bolsa Chica Land Trust efforts to permanently protect the 9,000 year old Cogged Stone site from destruction.

Please deny the LCPA for the Ridge development.

Save it! Don't pave it!

Name ERIC SMITH

Address LAGUNA BEACH CA

Approximately
1200 copies
Received

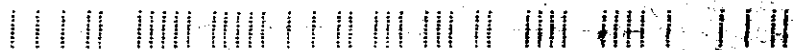
Dear Coastal Commissioners,

As a resident of Southern California, I support the Bolsa Chica Land Trust's efforts to permanently protect the 9,000 year old Cogged Stone site at Bolsa Chica from destruction. Please deny the City of Huntington Beach's LCPA (HNB - MAJ-1-12) and protect the rare archaeology, open space, habitat area for all.

Name: LARRY NICKER MD ~~Nick~~

Address: 16771 CORAL CAY LN

HUNTINGTON BEACH, CA 92649



HNB-MAJ-1-12 Ridge

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

DEC 31 2013

**CALIFORNIA
COASTAL COMMISSION**

Date and time of communication: December 30, 2013 11:30am
Location of communication: Ventura, CA

Person(s) initiating communication: David Neish, Ed Mountford

Person(s) receiving communication: Brian Brennan

Name or description of project: Huntington Beach LCP Amend. HNB -MAJ-1-
12 (Ridge)

Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010 was tentatively scheduled for the January 2013 agenda. The CCC staff report has not been completed at this time, but he wanted to mention that it was his understanding that Staff had indicated to the City of Huntington Beach that they were suggesting that no Coastal applications for the Ridge development would be accepted by Coastal Staff until all applications for the Goodell property were completed to include transfer of ownership and deeds recorded. He wanted me to know that this would be problematic to the property owner of the Ridge development and that we could have further discussions when the CCC Staff report is completed. In addition the CCC Staff was using a very broad definition of Significant regarding archaeological matters on the subject property that also was problematic to the applicant. It was suggested that the Commission should use the CEQA definition as was used by other agencies, and that would provide some consistency to all property owners

12/31/13
Date


Signature of Commissioner

RECEIVED
South Coast Region

JAN 2 2013

CALIFORNIA
COASTAL COMMISSION

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: December 13, 2013 2:30pm
Location of communication: San Rafael, CA
Person(s) initiating communication: David Neish
Person(s) receiving communication: Steve Kinsey
Name or description of project: Huntington Beach LCP Amend. HNB-MAJ-1-12 (Ridge)
Detailed substantive description of content of communication:

Mr. Neish explained that the Ridge application was originally submitted by the City in Aug. 2010 was tentatively scheduled for the January 2013 agenda. The OCC staff report has not been completed at this time, but he wanted to mention that it was his understanding that Staff had indicated to the City of Huntington Beach that they were suggesting that no Coastal applications for the Ridge development would be accepted by Coastal Staff until all applications for the Goodell property were completed to include transfer of ownership and deeds recorded. He wanted me to know that this would be problematic to the property owner of the Ridge development and that we could have further discussions when the CCC Staff report is completed.

Date 12/19/13


Signature of Commissioner

Received at Commission
~~Substantive~~

DEC 30 2013

From 12/19/13

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

W 24a



December 20, 2013

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager, South Coast District
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. HNB-MAJ-1-12 (The Ridge) to the City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission action at the Commission's January 8-10, 2014 meeting in San Diego.

SUMMARY OF HNB LCP AMENDMENT REQUEST NO. 1-12

The proposed Local Coastal Program Amendment request affects an approximately five acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue, commonly known as the Ridge. The amendment request would change the land use designation at the site from Open Space – Parks (OSP) to Residential Low Density – 7 units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Residential Low Density - Coastal Zone Overlay (RL-CZ). In addition, the proposed LCPA amendment would make changes to the Implementation Plan (IP) portion of the certified IP's Zoning and Subdivision Ordinance Chapter 210 *Residential Districts*, Section 210.12 – *PUD (Planned Unit Development) Standards and Provisions*. The changes proposed to the PUD standards would allow “greater flexibility in the provision of parking spaces.” The subject site is one of the last two remaining parcels in the Bolsa Chica area with uncertain land use. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2010-48.

Issues raised by the proposed LCPA include: conversion from the higher priority designation of Open Space Parks to the lower priority Residential land use designation and corresponding loss of land designated open space recreational area within the Bolsa Chica vicinity; the lack of adequate protection of significant cultural resources; the lack of adequate protection of sensitive habitats.

City of Huntington Beach Local Coastal Program Amendment 1-12 (HNB-MAJ-1-12, the Ridge) affects both the Land Use Plan and the Implementation Plan portion of the City's certified LCP.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the Local Coastal Program amendment because the LUP portion of the amendment is not in consistent with the Chapter 3 policies of the Coastal

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Act and because the Implementation Plan portion of the amendment is not in conformity with nor adequate to carry out the provisions of the certified Land Use Plan.

Staff is recommending denial of both the LUP and IP portions of the proposed amendment request because the amendment would eliminate a higher priority land use designation, and does not assure that significant culture resources and sensitive habitats will be protected as required by the Coastal Act and the City's certified Local Coastal Program.

The proposed amendment would allow an area designated in the certified Land Use Plan as Open Space – Parks (OS-P) to be redesignated to the lower priority residential land use. Staff believes the proposed amendment is inconsistent with the public access and recreation and priority of uses policies of the Coastal Act and certified Land Use Plan. The subject site is significant because it is located within the Bolsa Chica area, one of the most ecologically sensitive sites within the City's LCP jurisdiction, or indeed southern California.

The motion to accomplish the staff recommendation is found on pages 7 - 9.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

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.

The City Council held one public hearing on this amendment on July 6, 2010. The City's Planning Commission held one public hearing on this amendment on April 27, 2010. In

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

addition, the City Council adopted Mitigated Negative Declaration (MND) No. 08-016 for the related project proposal (not a part of this LCP amendment) on July 6, 2010. Public comments received at the public hearings addressed biological resources impacts including questions regarding appropriate buffer distance from the environmentally sensitive habitat area immediately east of the site, site drainage impacts to wetlands on the property immediately to the east, impacts to the Bolsa Chica wetlands ecosystem in general, and questions regarding use of herbicide on the subject site. Public comments also raised concerns with regard to the extent and protection of potential archaeological resources at the site. Other comments received questioned whether the related project's required public benefit was adequate, questioned the property owner's financial status; expressed concerns with loss of the Open Space Parks designation; objection to processing a MND rather than an Environmental Impact Report in conjunction with the related project; raised questions regarding the presence of prescriptive rights on the subject site; and made assertions that the slope at the site's eastern boundary is a coastal bluff.

The City made all staff reports and agendas for public hearings related to this LCPA available for public review in the Planning Department, the Huntington Beach Public Library, and on the City's website.

SUBSTANTIVE FILE DOCUMENTS

1. City of Huntington Beach Certified Local Coastal Program (LCP).
2. City of Huntington Beach Submittal Resolution No. 2010-48 (with exhibits)
3. Mitigated Negative Declaration/Environmental Assessment No. 2008-016
"The Ridge" 22-unit Planned Unit Development
4. Biological Resources Assessment, The Ridge Property, prepared by LSA, 3/2010
5. *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 201*
6. Response to Archaeological Questions prepared by SRS, Inc., dated 9/19/11

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the Molina Towers, 200 OceanGate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov

For additional information, contact Meg Vaughn in the South Coast District office at (562) 590-5071.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

LIST OF EXHIBITS

1. Vicinity Map
2. Aerial Photo of Bolsa Chica Area
3. City of Huntington Beach City Council Resolution No. 2010-48
 - A. Location Map
 - B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element)
 - C. Zoning Text Amendment No. 09-008
 - D. Zoning Map Amendment 08-007
4. City of Huntington Beach Letter, 11/23/10
5. Coastal Commission Staff Letter, XXX
6. Parkside Land Use Plan (LUP Figure C6-a)
7. Approved Parkside HMP Figure 4-1 Restoration Plan
8. Figure 16 of the *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013*
9. Proposed Inadequate Archaeological Setback: Figure 24 of the *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013*

Executive Summary

The subject site, known as the “Ridge”, is a particularly significant site because it is one of two remaining properties within the Bolsa Chica mesa area with uncertain land use designation and zoning. The second site is the adjacent Goodell Property. The Bolsa Chica area in general is significant due to the extensive presence of environmentally sensitive habitats and wetlands and due to the significance and extent of cultural resources that have been discovered there.

Currently the Ridge Property is land use designated Open Space – Parks. The zoning for the site is Residential Agriculture. The LCP amendment proposes to change the land use designation and zoning to Residential Low Density. Both the Coastal Act and the City’s certified Land Use Plan place a much higher priority on public recreational uses than on private residential uses. Although the amendment proposes to replace this high priority open space land use designation with the low priority residential designation, measures to offset the loss of this higher priority designation have not been included in the amendment proposal.

The property owner suggested, supported by the City, linking the proposed residential land use designation and zoning change at the Ridge Property with restricting potential future development of the adjacent Goodell Property to passive public open spaces uses. Commission staff agreed that such an approach could be found consistent with both the Coastal Act and certified Land Use Plan. The proposed linking of the two properties would work because it would preserve an area of equivalent or greater value, the Goodell Property, to replace the loss at the Ridge Property.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

The Ridge Property is a total of five acres. The Goodell Property is a larger property, totaling of 6.2 acres. The Goodell Property is nearer to a greater amount of sensitive habitat than is the Ridge Property. Moreover, the Goodell Property contains sensitive habitat on-site, whereas the Ridge site currently does not. In addition, the Goodell Property's location would provide even better opportunities for direct public trail connections and public views from the Bolsa Chica mesa than would the Ridge Property.

Shorthand name	Relative Location	Owner	Jurisdiction	APN
The Ridge parcel	Northern	Signal Landmark	Huntington Beach	110-016-35
Goodell Family Trust parcel	Southern	Goodell Family Trust	Unincorporated Orange County (CCC)	110-016-18

Remaining Issue Area

There are two main areas of disagreement remaining between City staff and Commission staff with regard to the recommended suggested modifications: 1) the mechanism by which the land use designation change on the Ridge Property is linked to restricting development on the Goodell Property; and, 2) the appropriate setback from the area of the pre-historic dwelling and related artifacts present on-site (but removed without a valid coastal development permit).

Although Commission staff, City staff, and the property owner agree on linking the Ridge and Goodell Properties, there remains disagreement on how best to implement that approach. The property owner, supported by City staff, prefers to re-designate the Ridge Property to residential now but preclude approval of residential development until a deed restriction and offer to dedicate the Goodell Property is recorded. The offer to dedicate and deed restriction would then be required as part of a coastal development permit for residential development on the Ridge Property. Conversely, Commission staff believes an offer to dedicate the Goodell Property for passive public open space uses must be offered and **accepted prior** to changing the land use designation at the Ridge Property. The Ridge property owner is reluctant to purchase and restrict the Goodell Property without assurance that residential uses will be allowed on the Ridge Property. However, assurance of future Ridge development potential cannot be granted as long as the development relies upon extinguishing development potential of the Goodell Property, but that required extinguishment has not occurred.

If the permanent restrictions on the Goodell Property are not secured **prior** to the change in land use designation, there cannot be certainty that the restrictions will indeed occur. This would result in the loss of the existing preferred Open Space – Parks land use designation without securing an equivalent or greater open space site in its place. If the Goodell property owner chooses not sell the site, then the lesser priority residential land use designation on the Ridge Property would already be in place and certified, but without the ability to develop the site consistent with that land use designation. This may

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

potentially raise legal questions about whether the lower priority residential development could then be denied. In addition, if the dedication is only required to be offered (rather than offered and accepted), it could be up to twenty years before the passive uses such as public trails and an open space area that provides appropriate space and amenities for Native Americans and the general public for, among other things, ceremonial and reflective purposes, could be developed. Moreover, with the method suggested by the property owner and City, there is ultimately no requirement that the offer to dedicate ever be accepted. Therefore, under the City's scenario, Commission staff believes there is no certainty that the loss of the existing Open Space – Parks land use dedication would be offset by the provision of equivalent or greater open space. These concerns are magnified by the fact that the Ridge property owner does not currently own the Goodell Property, and that the Goodell Property owner is not part of this process, and that the Goodell Property is not currently located within the City's jurisdiction.

The best option for Commission action on the Ridge and Goodell Properties would be to process both properties together under a single action. This would allow the necessary restrictions on the Goodell Property to occur concurrently with allowing a land use designation change on the Ridge Property. There are two options by which the two sites could be processed together: 1) a single LCP amendment covering both sites once final annexation of the Goodell Property has occurred; or, 2) a single consolidated coastal development permit for both sites together, prior to annexation. Either of these options could allow residential development on the Ridge Property simultaneously with the imposition of the necessary restrictions on the Goodell Property while assuring consistency with the Coastal Act regarding the protection of higher priority publicly available open space and recreational use.

Both options have been suggested to the City and Ridge property owner. However, both options were declined by both the City and the Ridge property owner. Reasons given for declining the options were based upon concerns with increasing the length of time it would take to process either a revised LCPA or a consolidated permit; and, with returning to the City for a new local hearing process.

The single LCP amendment option would require a new local hearing process. The consolidated coastal development permit option would not require a new local hearing process for the coastal development permit. The consolidated coastal development permit would be subject to the public hearing process required by the Coastal Commission. However, a local hearing(s) may be required for other local approval(s) related to development considered under the consolidated coastal development permit.

Because both of these other options have been declined, at the request of City staff, Commission staff has drafted suggested modifications that would link allowing a residential land use designation on the Ridge Property with restricting development on the Goodell Property to passive public open space uses. The suggested modifications prepared by Commission staff would, among other things, allow the land use designation and zoning on the Ridge property to be residential **only after** the offer to dedicate the Goodell Property for passive public open space has been **accepted**. City staff does not

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

support this aspect of the suggested modifications intended to link the Ridge and Goodell properties' development.

With regards to the appropriate setback to protect cultural resources on the Ridge site, the property owner has suggested that the setback is only needed beyond the footprint of the house pit feature (which was removed without a coastal development permit) on the north side of the location of the previous prehistoric structure in order to include the area where the highest whole shell concentration was discovered and removed (Ex. 9). This straight line setback is proposed around the location of the oval shaped structure despite the fact that artifacts were found scattered around the entire oval structure. Staff proposes a 50 foot setback from the footprint of the oval house pit feature in order to (1) provide for the protection, in place, with a land use designation of Open Space- Conservation, any scattered artifacts that are likely to remain given the fact that the excavation of the area surrounding the house pit house did not extend to the same depth as the complete removal of the house pit and (2) provide a setback of a respectable distance from the location of this rare prehistoric house pit structure that was removed without a coastal development permit.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Deny the LUP Amendment Request as Submitted

MOTION I: *"I move that the Commission certify Land Use Plan Amendment No. 1-12 as submitted by the City of Huntington Beach."*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny Certification of the LUP Amendment as Submitted

The Commission hereby denies certification of Land Use Plan Amendment No. 1-12 as submitted by the City of Huntington Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

B. Certify the LUP Amendment Request if Modified as Suggested

MOTION II: *"I move that the Commission certify Land Use Plan Amendment No. 1-12 for the City of Huntington Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution to Certify the LUP Amendment with Suggested Modifications

The Commission hereby certifies Land Use Plan Amendment No. 1-12 for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan Amendment with the 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 and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Reject the IP Amendment Request as Submitted

MOTION III: *"I move that the Commission reject Implementation Plan Amendment No. 1-12 as submitted by the City of Huntington Beach."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Reject the IP Amendment as Submitted

The Commission hereby denies Amendment Request No. 1-12 to the LCP Implementation Plan for the City of Huntington Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan Amendment does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. Certify the IP Amendment Request if Modified as Suggested

MOTION IV: *"I move that the Commission certify Implementation Plan Amendment No. 1-12 of the City of Huntington Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment to the LCP Implementing Ordinances with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment with Suggested Modifications

The Commission hereby certifies Amendment Request No. 1-12 to the LCP Implementation Plan for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan 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 Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS TO THE LUP/IP AMENDMENT

Certification of City of Huntington Beach LCP Amendment Request No. 1-10 is subject to the following modifications.

The Commission's suggested additions are shown in **bold, underlined text**.

The Commission's suggested deletions are shown in ~~underlined, strike out text~~.

Numbering may be revised as appropriate to accommodate revisions.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

LAND USE PLAN SUGGESTED MODIFICATIONS:

Suggested Modification No. 1

Add New Subarea 4M - *The Ridge* to LUP Table C-2 as follows:

Note: All of Subarea 4M below is a suggested modification. However, it is not shown in ***bold, italic, underline*** text for ease of reading

Table C-2 Community District and Subarea Schedule

4M The Ridge	Permitted Uses Prior to Acceptance of Irrevocable Offer to Dedicate on Goodell Property ¹ pursuant to Coastal Element Appendix B: Only after Irrevocable Offer to Dedicate on Goodell Property is accepted and occurs pursuant to Coastal Element Appendix B:	Categories: Open Space-Parks (OS-P) As depicted on LUP Figure C-6b. Residential (RM) – pursuant to subarea Design and Development standards as specified below and as depicted on LUP Figure C-6c. Open Space-Conservation (OS-C): As depicted on LUP Figure C-6c.
	Density/Intensity Only After Irrevocable Offer to Dedicate on Goodell Property is accepted and occurs pursuant to Coastal Element Appendix B:	Residential: • Maximum of fifteen (15) dwelling units per acre Open Space-Conservation: OS-C uses as described in Table C-1.

¹ Goodell Property – More specifically described as [as part of the City’s review and acceptance of the suggested modifications, the City will need to insert the Goodell Property’s legal description and Assessor’s Parcel Number here or reference here an LUP Coastal Element appendix or exhibit with that information].

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

<p>Design and Development</p>	<p>Open Space-Parks: Uses consistent with the Open Space-Parks designation are allowed consistent with Figure C-6b.</p> <p>Residential: Residential uses consistent with Figure C-6c shall only be allowed after all of the following occur on the adjacent 6.2 acre southerly property (Goodell Property):</p> <p style="padding-left: 40px;">An Irrevocable Offer to Dedicate in fee title against the Goodell Property as provided in Appendix B of this Coastal Element, has been recorded and accepted by a public agency or private association acceptable to the Executive Director of the Coastal Commission and the City of Huntington Beach Director of Community Development.</p> <p>The required offer to dedicate on the Goodell Property shall stipulate that the Goodell Property will be permanently restricted for passive public open space and resource conservation uses only. Permitted uses on the Goodell Property include pedestrian trails, observation areas, interpretive displays, habitat restoration and any additional uses set forth in the Mitigation Plan prepared pursuant to Consent Cease and Desist Order No. CCC-12-CD-01 and Consent Restoration Order No. CCC-12-RO-01, both approved by the Commission on January 11, 2012. Development on the Goodell Property shall avoid or minimize subsurface disturbance.</p> <p style="padding-left: 40px;">The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances, except for tax liens, that the Executive Director determines may affect the interest being conveyed, and shall provide the public the right to use the dedicated area for passive public open space and resource conservation uses only. No development shall take place on the dedicated property until a public</p>
<p>Irrevocable Offer to Dedicate</p>	
<p>Residential and Open Space/Conservation Land Use Designations</p>	

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

	Ridge Coastal Development Permit	<p>agency or private association approved by the Executive Director agrees to accept the offer to dedicate and agrees to accept responsibility for maintenance and liability associated with the property. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. The offer shall run with the land in favor of the State of California binding successors and assigns of the landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording the offer.</p> <p>The land use designation of the Ridge Property shall remain Open Space Parks unless and until the above described offer to dedicate in fee has been recorded and accepted on the entire Goodell Property consistent with Appendix B of this Coastal Element.</p> <p>Only after the above required irrevocable offer to dedicate has been recorded and accepted on the Goodell Property will the residential land use designation of that portion of the Ridge Property depicted on Land Use Plan Figure C-6c become effective. The effective date shall be no earlier than the effective date of recordation of the acceptance of the required irrevocable offer to dedicate in fee title. Residential development on the Ridge Property shall be subject to approval of a coastal development permit pursuant to the requirements for Subarea M set forth in this Table. The remainder of the Ridge Property shall be land use designated Open Space-Conservation as depicted on Land Use Plan Figure C-6c.</p> <p>Residential development of the Ridge Property shall not commence unless and until the required recorded offer to dedicate on the Goodell Property has been recorded and accepted</p>
--	----------------------------------	--

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

		<p>pursuant to the requirements of these Subarea M standards and consistent with Coastal Element Appendix B.</p> <p>Any coastal development permit application for development on the Ridge Property must include, but is not limited to, the following information and requirements:</p> <ul style="list-style-type: none">• A Biological Resources Assessment, prepared by an appropriately licensed professional, prepared no more than one year prior to the submittal date of the coastal development permit application. The Biological Resources Assessment shall consider all biological resources on the Ridge Property and within the project site's vicinity that may be impacted by the proposed development, including all resources that exist and/or are recognized on the Parkside Property (subarea 4K), the Brightwater Property, and on the Goodell Property. The Biological Resources Assessment shall, at a minimum, provide a comprehensive assessment of the resources on both the Ridge and the Goodell properties. Future development of the Ridge Property shall incorporate a three hundred (300) foot buffer from the Northern Eucalyptus Grove Environmentally Sensitive Habitat Area (ESHA) and a one hundred (100) foot buffer from all coastal sage scrub habitat (including the scrub/grassland ecotone) located on the Parkside Property (Subarea 4K) as depicted on Figure 4-1 of the approved Habitat Management Plan prepared for that development by LSA, dated 2013. However, the 300 foot Northern Eucalyptus ESHA buffer may be reduced to one hundred fifty (150) feet and the coastal sage scrub buffer may be reduced to fifty (50) feet if a minimum
--	--	---

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

	Goodell LCPA	<p>six (6) foot high masonry wall is constructed at the edge of development on the Ridge Property. If additional potential impacts to significant biological resources due to proposed development are identified in the Biological Resources Assessment, the development proposal shall be modified to avoid adverse impacts to the extent feasible, including additional setback requirements. In addition, if additional biological resources are identified on the Ridge and/or Goodell Properties, a Habitat Management Plan to protect and manage all significant biological resources on the Ridge and Goodell properties shall be prepared and submitted for approval of the permit issuing authority. The Biological Resources Assessment shall provide recommendations for design and development standards and/or other mitigation measures, including avoidance measures, and shall identify appropriate buffer distance(s) from significant biological resources as necessary to protect the resources.</p> <ul style="list-style-type: none">• A Cultural Resources Protection Plan, prepared by an appropriately licensed professional, in consultation with the Native American Heritage Commission (NAHC) and Native American groups with cultural ties to the area, as determined by the NAHC. The Cultural Resources Protection Plan shall be based on all available cultural resources information and shall consider all cultural resources on both the Ridge Property and the Goodell Property, including the “house pit” which was removed through
--	--------------	---

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

	Ridge & Goodell Properties	<p>unpermitted development. The plan shall also evaluate the potential for impacts to any remaining significant cultural resources and recommend measures to locate and avoid impacts to any significant resources. In addition, the plan shall stipulate that only archaeological (controlled) grading shall be employed within areas of the Property that would be disturbed by development and/or otherwise subject to subsurface disturbance. Once sterile soil has been reached via archaeological (controlled) grading, traditional grading may be employed only within the area of the identified sterile soil. Appropriate setback distances from any significant cultural resources shall also be identified in the Plan. Development on the Ridge Property shall be set back a minimum of fifty (50) feet from the House Pit documented on site in the Archaeological information prepared for the site. The Cultural Resources Protection Plan shall be subject to peer review consistent with current professional standards.</p> <ul style="list-style-type: none">• A Water Quality Management Plan, prepared by an appropriately licensed professional, that demonstrates that the project described in the coastal development permit application will not significantly adversely impact the surrounding areas including but not limited to the sensitive resources in the project vicinity including, but not limited to, the environmentally sensitive habitat areas and wetlands on the adjacent Parkside Property, Brightwater Property, and within the Bolsa Chica Ecological
--	----------------------------	---

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

		<p>Reserve, and as identified on the Ridge and/or Goodell properties. Site design and source control Best Management Practices (BMPs) are preferred. 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.</p> <ul style="list-style-type: none">• When privacy walls associated with residential development are located adjacent to public and/or conservation areas they shall be placed on the private property outside any sensitive cultural or habitat area, 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.• A 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.• A Landscape Plan that prohibits the planting, naturalizations, or persistence of invasive plants, and encourages low-water use plants, and plants primarily native to coastal Orange County. Any sensitive habitat areas identified in the Biological Resources Assessment shall be subject to a separate Habitat Management Plan.
--	--	--

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

		<ul style="list-style-type: none">• A Domestic Animal Control Plan that details methods to be used to prevent pets from entering the adjacent Open Space-Conservation areas and any other sensitive habitat areas identified in the Biological Resources Assessment. <p>If all the above requirements are met, a maximum of fifteen (15) dwelling units per acre may be allowed. However, the density shall be reduced and/or development clustered if necessary to protect coastal resources.</p> <p>Within any area ultimately land use designated Residential (depicted on Land Use Plan Figure C-6c), uses consistent with the Open Space-Parks designation are also allowed, consistent with all requirements herein.</p> <p>The Open Space-Conservation designated areas, as shown on Figure C-6c, are intended to assure that development is sited and designed to avoid impacts to habitat and significant cultural resources on-site and/or in the surrounding area. However, notwithstanding the residential land use designation, and consistent with the policies of this Coastal Element, any allowable development at the Ridge Property must avoid adverse impacts to sensitive habitat areas and significant cultural resources.</p> <p>Once the Goodell Property is formally annexed into the City, a request to amend the Local Coastal Program shall be submitted to the Executive Director of the Coastal Commission to incorporate the Goodell Property into the LCP with appropriate land use designation(s) and zoning, consistent with the restrictions of the recorded deed restriction and accepted offer to dedicate. At the time the Goodell Property is included in this Coastal Element, it shall be included within this Subarea M and subject to all requirements contained herein in addition to all other requirements of the Local Coastal Program. The land use designation(s) on the Goodell Property shall be based upon all relevant information (required below) regarding the presence of significant resources on the Goodell</p>
--	--	---

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

		<p>Property at the time the Local Coastal Program amendment is processed. In order to determine appropriate land use designations and zoning for the Goodell Property, any LCP amendment request submitted for the Goodell Property must include, but is not limited to, the following information:</p> <ul style="list-style-type: none">• A Biological Resources Assessment, prepared by an appropriately licensed professional, prepared no more than one year prior to the submittal date of the Local Coastal Program amendment request. The Biological Resources Assessment shall identify all biological resources on-site.• A Cultural Resources Protection Plan, prepared by an appropriately licensed professional, in consultation with the Native American Heritage Commission (NAHC) and Native American groups with documented ancestral ties to the area, as determined by the NAHC. The Cultural Resources Protection Plan shall make recommendations to avoid or minimize subsurface disturbance. The Cultural Resources Protection Plan shall be based on all available cultural resources information for the site and immediate vicinity. The Plan shall also identify appropriate setback distances from the significant cultural resources. <p>Development shall assure the continuance of sensitive habitat areas and wetlands and the protection of cultural resources. The requirements of the City's Implementation Plan (Zoning and Subdivision Ordinance), including but not limited to Section 221.10 <i>Requirements for New Development Adjacent to Environmentally Sensitive Habitat Areas</i> and Section 221.22 <i>Buffer Requirements</i>, shall apply.</p>
--	--	---

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

		Consistent with Policy C 2.4.7, the streets of any approved residential subdivision at the Ridge Property shall be open to the general public for vehicular, bicycle, and pedestrian access, and general public parking shall be provided on all streets throughout the subdivision. All public entry controls (gates, guards, signage, etc.) and restrictions on use by the general public (preferential parking, etc.) are prohibited.
--	--	--

Suggested Modification No. 2

Modify Land Use Plan Figure C-6 Zone 2 Land Use Plan as proposed, but add and identify the Goodell Property

Suggested Modification No. 3

Create new LUP figure titled Ridge Land Use Plan (Figure C-6b) to:

- a. Include and identify the Ridge and Goodell Properties, and
- b. Identify land use designation at entire Ridge Property as Open Space – Parks.
- c. Include and identify the thirty (30) foot City owned parcel along the Ridge Property’s northern property boundary as Open Space – Parks. Correctly depict this 30 foot wide City owned parcel as OS-P designated area and so that it is depicted connecting the OS-C property on Parkside Property on the east to Bolsa Chica Street on the west.

Suggested Modification No. 4

Add new figure titled Ridge Land Use Plan Figure C-6c identifying:

- a. All area of the Ridge Property located within 50 feet of the boundary of house pit as shown in Figure 16 of the *2013 Archaeological Abstract Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA, prepared by SRS, Inc. and dated April 2013* shall be land use designated Open Space - Conservation.
- b. All area within 50 feet of the Scrub/Grassland Ecotone depicted on Figure 4-1 of the approved Parkside Estates Habitat Management Plan, prepared by LSA and dated October 2013 shall be land use designated Open Space – Conservation.
- c. Identify the 30 foot wide City owner parcel at the northern property boundary as land use designated Open Space-Parks (OS-P).
- d. Identify the remainder of the Ridge property as land use designated RM Medium Density Residential.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Suggested Modification No. 5

Modify Land Use Plan Figure C-10 Sub-area Map to identify new Subarea 4M – The Ridge and the Goodell Properties.

Suggested Modification No. 6

Modify the Land Use Plan text within the *Technical Synopsis*, under the heading Sub-Area Descriptions and Land Use Plan, subheading *Zone 2 – Bolsa Chica*, (page IV-C-11) as follows:

Coastal Element Land Use Plan, Inland (Pacific Coast Highway and areas north to the Coastal Zone Boundary) add new third paragraph just above the paragraph beginning “The Wintersburg Channel Bikeway is ... :

Also included in this area is an approximately five acre parcel known as the Ridge, located on the Bolsa Chica mesa at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. This parcel is land use designated Open Space – Parks. Residential development is prohibited at this site unless and until the requirements and restrictions of Subarea 4M of Table C-2 are met. Adjacent to and immediately north of the Ridge Property is a thirty foot wide public access trail easement that connects the public trails of the Parkside Property to the east with Bolsa Chica Street and the trail network beyond.

Suggested Modification No. 7

Modify Table C-1 (on page IV-C-29) in the Land Use Category Open Space Conservation (OS-C) as follows:

Properties to be retained for environmental, ~~and~~ visual, **and cultural** resource conservation and management purposes (e.g., wetlands and ESHA **and cultural resource** protection). Ancillary activities and building may be permitted in locations on the property not possessing wetland or environmentally sensitive habitat or **cultural resources**, provided that the buildings and ancillary development and use are sited and designed to prevent impacts which would significantly degrade any adjacent wetland or environmentally sensitive habitat areas **or cultural resources**, consistent with Coastal Act provisions (Section 30233 and 30240).

[No further changes.]

Suggested Modification No. 8

Add to the Appendices at the end of the Coastal Element new Appendix B to include deed restriction and OTD language prepared by CCC legal. The Appendix currently contained in this section of the Coastal Element (the Coastal Act) shall be identified as Appendix A.

Suggested Modification No. 9

Add the following definition to the Coastal Element Land Use Plan Glossary:

Significant Cultural Resource –An object(s) or site(s) that is more than fifty years old that is associated with events that have made a significant contribution(s) in the broad pattern of human history, and/or have yielded, or may be likely to yield, information important in prehistory or history. Significant Cultural Resource includes, but is not limited to, skeletal remains and/or grave goods, features, traditional cultural sites and/or artifacts, religious and/or spiritual sites and/or artifacts, and/or intact midden soil.

IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS:

Suggested Modification No. 10

Modify Chapter 210, Section 210.04 as follows:

Add (T) to the chart listing the allowable uses, under the heading, Additional Uses, for Multi-family Residential, as follows:

Multi-family Residential (B)(C)(D)(R)(**T**)

Suggested Modification No. 11

Add, to the list under the heading *RL, RM, RMH, RH, and RMP Districts: Additional Provisions* the following new Additional Provision (T)

(T) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4M as depicted in Figures C-6b, C-6c and C-10 of the Coastal Element Land Use Plan. Subarea 4M shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. In the event the offer to dedicate the Goodell Property in fee for public open space uses limited to passive public park and/or resource conservation is recorded and accepted as required in Subarea 4M of the Coastal Element Land Use Plan and as provided in Appendix B of the Coastal Element, residential uses may be permitted on the

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Ridge Property subject to approval of a coastal development permit and this area may be designated as Residential Medium Density. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail.

Suggested Modification No. 12

Add new Section E to Chapter 216 CC Coastal Conservation as follows:

216.08 E Permitted uses, development requirements and restrictions applicable to development within Subarea 4M, including the Ridge and the Goodell Properties, as depicted in Figures C-6b, C-6c and C-10 of the Coastal Element Land Use Plan are provided in the Coastal Element Land Use Plan, Table C-2. Subdivision design and development within Subarea 4M shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail.

Suggested Modification No. 13

Modify the Zoning Map by:

- Modifying Zoning District Map No. 29-5-11 to identify both the Ridge property and the Goodell property and by adding a note referencing the new figure described below.
- Adding a new figure 29-5-11a (or other appropriate number) identifying both the Ridge and Goodell properties and referring the reader to Section 210.04, Additional Provision (T).

III. FINDINGS FOR DENIAL OF THE LAND USE PLAN AMENDMENT

A. Land Use Plan Amendment Description

The subject site is an approximately five acre property commonly known as the Ridge, located southeast of the intersection of Los Patos Avenue and Bolsa Chica Road, APN 110-016-35 (See Exhibit 1).

The site is currently land use designated Open Space Parks (OS-P) and zoned Residential Agriculture (RA). The proposed amendment would change the land use designation to: *Residential Low Density – 7 dwelling units per acre (RL-7)*. The zoning is also proposed to be changed to *Residential Low Density – Coastal Zone overlay (RL-CZ)*. The zone change affects the Implementation Plan portion of the LCP and is discussed later in this

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

staff report, along with the proposed change to the Implementation Plan Zoning and Subdivision Ordinance Chapter 210 *Residential Districts*. The Local Coastal Program amendment (both LUP and IP) was submitted for Commission action pursuant to Huntington Beach City Council Resolution 2010-48. Huntington Beach City Council Resolution No. 201-048 includes four exhibits: A. Location Map; B. Amended Land Use Plan (Extract of Figure C-6 of the Coastal Element); C. Zoning Text Amendment No. 09-008; and, D. Zoning Map Amendment 08-007.

Exhibit B of CC Resolution No. 2010-48 conveys the changes proposed to the City's certified Land Use Plan map. CC Resolution No. 2010-48, with exhibits, is attached to this staff report as Exhibit 3. CC Resolution No. 2010-48, Exhibit B, depicts the proposed land use designation change, but according to City staff clarification, but is not intended as a new figure in the Coastal Element (LUP). Exhibit B is titled "*Extract of Figure C-6*" (See Exhibit 3).

City Council Resolution 2010-48 Exhibit B depicts the subject site's proposed land use designation change, but also shows a strip of land along the northern property boundary of the site that designated Open Space – Parks (OS-P). City staff has clarified that this strip of land is a separate parcel, not part of the subject Ridge Property, and is owned by the City and land use designated Open Space – Parks and is intended for public trail access. However, this parcel, designated OS-P, does not connect to the Los Patos/Bolsa Chica Street intersection. Rather, it is separated from those public rights-of way by a strip of land designated RL-7. Exhibit B is confusing because, although included in the proposed land use plan map change, City Council Resolution No. 2010-48 does not describe any portion of the site as Open Space Parks and does not suggest the amendment applies to other than the subject site.

B. Description of Subject Site & Vicinity

1. Ridge Property - Subject Site

The subject site (Ridge Property) is located on the Bolsa Chica mesa, which rises above and to the north of the Bolsa Chica Ecological Reserve and wetlands complex (See Exhibit 2). In addition to the habitat of the Bolsa Chica Ecological Reserve itself, abundant habitat is present throughout the subject site vicinity. The wetlands, Eucalyptus environmentally sensitive habitat areas (ESHAs), and Open Space – Conservation area of the adjacent Parkside Property are immediately east of the subject site. The Ridge Property immediately abuts this habitat conservation area. The northern Eucalyptus grove ESHA is located approximately 135 feet from the eastern edge of the Ridge property line. The AP/EPA wetland complex on the Parkside Property is located approximately 195 feet from the Ridge Property line at its nearest point. In addition, the habitat and public trails of the Brightwater Property are located west of the subject site, just across Bolsa Chica Street. In addition, the subject site also abuts the Goodell Property, which is located to the south of the subject site. The Goodell, Parkside and Brightwater Properties are described below. The subject site and the Goodell Property are the last two remaining properties in the northern Bolsa Chica area, whose land use

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

designation and zoning remain in question. Both the Ridge and Goodell Properties are currently vacant.

The Ridge site has historically been farmed, and more recently served as the construction staging area for the adjacent Brightwater development. A Biological Assessment was prepared for the Ridge site by LSA in March 2010 and found only disturbed (including fallow agriculture) or barren land present on the site. The Assessment also recognizes an approximately 0.24 acre landscaped area at the northwest corner of the site. However, the Assessment also recognizes that there is a potential for the occurrence on site of southern tarplant and the burrowing owl.

In addition to known significant habitat in the vicinity, at the Commission's September 11, 2013 hearing, it was determined that excavation and removal of intact cultural remnants of a pre-historic dwelling structure, artifacts, and intact cultural midden occurred at the subject site within an area of a known archaeological and cultural site without the necessary coastal development permit (CCC-13-CD-08, Signal Landmark [owner of the Ridge Property]). The pre-historic dwelling structure and related cultural remnants straddled the boundary between the Ridge and Goodell sites. Both properties contain the known archaeological site CA-ORA-86. Archaeologists consider CA-ORA-86 to be the northeastern continuation of another archaeological site on the Bolsa Chica Mesa, the highly significant archaeological site CA-ORA-83. CA-ORA-83 is a 9,000 year old archaeological site known as the Cogged Stone Site due to the great number of cogged stone artifacts recovered there. ORA-83 was placed on the California Register of Historic Places and was successfully nominated to the National Register of Historic Places as representative of a ceremonial complex important to local Native American communities, and because the site has produced hundreds of cogged stones, numerous semi-subterranean house pits, and other artifacts, making it highly significant with regard to research potential and cultural import. ORA-86 also contains significant artifacts. In fact, ORA-86, as a component of ORA-83, has been nominated to the National Register of Historic Places as well.

Additionally, the Native American Heritage Commission (NAHC) has determined that "The Cogged Stone Site" is a Native American cemetery due to the high number of Native American burials that were found on the site. Beginning in the early 1980's, the property owner, Signal Landmark, was granted several coastal development permits to investigate CA-ORA-83, as well as other archaeological sites on the mesa such as CA-ORA-85, "The Eberhart Site", and that portion of ORA-83 site, not including Goodell and Ridge properties. The coastal development permits for this work were approved in the early 1980s and 1990s, and allowed full excavation of all existing on-site archaeological resources. This work was carried out over a 20 year period and was completed in 2006. However, final reports from the work are still pending. No coastal development permit has ever been approved for archaeological work on either The Ridge Property or the Goodell Property.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

2. Goodell Property

The Goodell Property is adjacent to and immediately south of the subject Ridge Property (See Exhibit 2). The approximately 6.2 acre Goodell Property is located in an unincorporated area of the County of Orange. The Goodell Property remains uncertified due to its location outside the City's current corporate boundary, within unincorporated County area. Although the Commission approved an LCP for the area (the Bolsa Chica geographical segment of unincorporated Orange County), the County never accepted the suggested modifications and the approval lapsed. Thus, the Goodell site has never been effectively certified and no land use designation and zoning for the Goodell Property has ever been finally certified by the Coastal Commission.

Resources located on the Goodell Property may impact the allowable development footprint on the Ridge Property. If significant resources are present (or would be present absent unpermitted development) on the Goodell Property, then, depending upon the location of the resources, setbacks necessary to protect those resources may extend onto the Ridge Property. Setbacks may be necessary to protect existing biological or cultural resources and/or to establish a respectful distance from Native American cultural resources that have been removed without a permit.

a) Archaeological Resources

The Goodell Property is located on the southeastern portion of the Bolsa Chica Mesa, and is separated by Bolsa Chica Street from the portion of CA-ORA-83 that has been fully excavated. Although the Goodell Property is separated from the portions of ORA-83 that have been the subject of extensive archaeological studies, it is widely accepted as being a part of that significant archaeological site. Portions of the Goodell Property were developed with above and below ground World War II era development and the site still contains remnants of these historic structures. Construction of the World War II buildings may have impacted prehistoric archaeological resources at the site, to some extent. Nevertheless, there is a high likelihood that archaeological/cultural resources are still present on the Goodell Property.

Archaeological work was conducted on the Ridge Property and significant cultural resources were discovered (dwelling unit or house pit and related surrounding artifacts). However, this work was conducted without the required coastal development permit and all resources were removed from the site (Consent Orders CCC-13-CD-08, Signal Landmark and CCC-13-CD-009, Goodell Family Trust). According to the 2001 nomination of CA-ORA-83 (of which CA-ORA-86 is a part), house pits are structural features that are rarely found in Southern California and are extremely rare since the site was occupied during the Early Holocene/Millingstone Horizon of California prehistory. Semi-subterranean house pits are large circular depressions that were excavated below the surface a few feet and had hard packed floor, post-holes and a hearth and framed with poles and then thatched. Under normal climatic conditions (not consistently dry, or consistently wet) organic materials would not preserve. However, it is noted that the house pit structure that was removed from the Ridge site contained intact midden

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

deposits as well as a hearth, among other artifacts. Professor Pat Martz, a past member of the California State Historical Resources Commission, stated that these semi-subterranean house pits have the potential to address important questions regarding village structure, social organization, settlement patterns, gender activities, and demographics, as well as relationship of the structures to astronomical features.

The archaeological investigation carried out on the Ridge site was an extensive multi-staged program, which included: surface survey; surface artifact collection; excavation of forty-nine 100cm deep augers covering the entire site; excavation of eight east-west oriented 1m deep backhoe trenches; the excavation of four 2x2m hand units along the eastern bluff area of the site; and upon the discovery of a subsurface house pit feature, the excavation of 14 additional hand units to expose and completely remove the feature and the intact midden deposits, hearth and fire-affected rock and whole shells, beads, tools, and debitage found within and surrounding the house pit feature, according to the April, 2013 SRS report titled, 2013 Archaeological Abstract, Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA.

An archaeological midden is a prehistoric mound of discarded material used in cooking and food processing and contains marine shell, animal bone, fired rocks, and discarded artifacts and characterized by organic material in the soil such as grease, blood, and body fluids. The presence of prehistoric midden soils constitutes an archaeological site. Therefore, the additional presence of prehistoric human remains, artifacts or features is not necessary to determine that an archaeological site exists. Archaeological midden is “intact” if it is in place and has not been dug up and re-deposited or severely disturbed as the result of historic or modern activities.

Even though the results of the archaeological work conducted on site conclude that no further significant resources are expected at the site, past archaeological investigations in the project vicinity indicate that this conclusion may not be definitive. This same conclusion was drawn by the archaeological consultant after decades of investigation and excavations, but extensive significant resources were discovered after the residential development was approved and the applicant had obtained authorization to begin construction. Through the implementation of Commission required archaeological or shallow layer grading, designed to detect the presence of any remaining buried resources additional resources were discovered, including 74 human burials and other grave related artifacts, in areas where the archaeological consultant had concluded none were expected. It is important that no action taken on either the Ridge or Goodell Properties, including action on this LCP amendment, preclude preservation in place of any significant cultural resources that remain. It is likely that the cultural significance of both sites does not stop at the modern property boundary. This is underscored by the fact that the resources that were discovered and removed as a result of the unpermitted archaeological work, the prehistoric dwelling unit and related artifacts, were found on both sides of the Ridge/Goodell property line.

The Goodell Property contains archaeological site, CA-ORA-144, “The Water Tower Site”, so named in recognition of a water tower structure that was historically on the site

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

until the 1980s. Moreover, some archaeologists also consider the Goodell site to be the north-eastern portion of the highly significant 9,000 year old archaeological site CA-ORA-83, “The Cogged Stone Site”. The Ridge property owner’s archaeological consultant, Scientific Resources Surveys, Inc. (SRS) has been conducting the archaeological research on the Bolsa Chica Mesa for decades and agrees that the Goodell Property is a part of “The Cogged Stone Site” ORA-83.

The Goodell Property has not been the subject of subsurface archaeological work, and no artifact recovery program has been conducted on it². The Goodell Property was not a part of the archaeological research conducted over the last few decades on the Bolsa Chica Mesa due to the fact that it has always been being under separate ownership. The property owner of the Goodell site had applied for a coastal development permit (5-10-258) for approval of an Archaeological Research Design (ARD) to determine the extent of archaeological resources at that site. Prior to this application the Executive Director issued an exemption, 5-10-035-X(Goodell) to conduct archaeological surface and geophysical surveys of the site. CDP application 5-10-258 was withdrawn pending preparation and circulation of the final report on archaeological work conducted over the last 20 years for ORA-83 on the remainder the Bolsa Chica Mesa (all work was conducted by Scientific Resources Survey, SRS). The eleven volume final report was submitted to the ED on December 20, 2013.

b) Biological Resources

In addition to the presence of archaeological resources on the Goodell site, the question of biological resources on site must also be addressed. In 2005 the Commission approved coastal development permit 5-05-479 to plant four trees (two western sycamores and two Catalina cherries), and two shrubs (both toyon) to replace the loss of one Monterey pine tree, the secondary trunk of a second Monterey Pine tree, and one fruiting and flowering ornamental tree that had been removed without a valid coastal development permit. Though not part of the previously recognized ESHA, the Commission found that the trees constituted significant vegetation that contributed significantly to the continuation and enhancement of the sensitive habitat that exists throughout the project vicinity. At least one of the removed trees was a known roosting and nesting area for raptors (California protected white-tailed kites). The surviving trees planted to mitigate those that were removed provide habitat today. The location of the mitigation trees, however, is more than 300 feet from the Ridge property. So a setback from these trees would not likely extend onto the Ridge site.

Additional special interest species detected on or adjacent to the Goodell site within the last several years include Cooper’s hawk (*Accipiter cooperii*), northern harrier (*Circus cyaneus*), merlin (*falco columbarius*), American peregrine falcon (*Falco peregrinus*), bald

² Although no coastal development permit has authorized subsurface archaeological work on the Goodell site, in 2010 sixteen soil profiles were excavated by hand, exposing intact midden soils, which are considered a significant cultural resource. On January 11, 2012 the Commission required restoration of the unpermitted development through consent cease and desist and restoration orders (CCC-12-CD-01 and CCC-12-RO-01).

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

eagle (*haliaeetus leucocephalus*), and Allen's hummingbird (*Selasphorus sasin*). In addition, California gnatcatcher (*Poliophtila californica*) surveys conducted in the vicinity by the applicant's biological consultant during the 2005 nesting season determined that the focal area and nesting area of a coastal California gnatcatcher breeding territory were adjacent to and southeast of the Goodell site.

A Biological Assessment Summary for Goodell Property on the Bolsa Chica Mesa, prepared by LSA and dated 1/7/13 (Summary) was submitted in conjunction with the proposed amendment. The Summary includes, as attachments, two biological assessments for the Goodell site: *Biological Resources Assessment for Goodell Property, Bolsa Chica Mesa, Orange County, California*, prepared by SWCA Environmental Consultants, dated 11/21/07; and *Biological Assessment Goodell Property Bolsa Chica Mesa, Orange County, California*, prepared by LSA, dated 1/07. Also attached to the summary is a document titled: *Results of Supplementary Biological Surveys – Goodell Property, City of Huntington Beach [sic], California*, prepared by LSA and dated 7/10/09. The LSA 2009 Supplemental document focuses mainly on the potential presence of the California gnatcatcher and southern tarplant. At this time, based upon the information submitted and information known to Commission staff based on previous projects in the vicinity, there does not appear to be significant biological resources on the Goodell property that is located within 300 feet of the border with the Ridge property. However, future Biological Assessments would be necessary at the time any future development is proposed to assess the presence or absence of sensitive habitats on site at that time.

c) Status of the Goodell Property's Annexation Into the City

Finally, the City is in the process of annexing the Goodell site into the City's corporate boundaries. The Local Agency Formation Commission (LAFCO), in approving the City's request to annex the Brightwater Property (a formerly unincorporated County area), required the City to also annex the Goodell site in order to avoid a small, unincorporated County "island" surrounded entirely by the City of Huntington Beach. The City has delayed final annexation at the property owner's request. Nevertheless, the City has indicated that the site will eventually be finally annexed into the City. Once final annexation is initiated, City staff has indicated that final annexation is expected to be complete within sixty to ninety days.

3. Parkside Site

The Commission has approved a Land Use Plan amendment (LCPA No. HNB-MAJ-1-06), Implementation Plan amendment (LCPA No. HNB-MAJ-2-10), and Coastal Development Permit for the Parkside site (CDP No. 5-11-068, Shea Homes). The western 23.1 acres of the Parkside site are designated Open Space – Conservation and zoned Coastal Conservation due to the presence of wetlands and environmentally sensitive habitat areas (ESHAs) and their necessary buffer areas. This conservation area directly abuts the Ridge site (See Exhibit 6). A Habitat Management Plan (HMP) for the Parkside conservation area has been approved by the Commission (See Exhibit 7) and

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

will be implemented once all of the coastal development permit special conditions have been met and the permit has been issued. As reflected in the approved Parkside HMP, the northern portion of the Parkside conservation area where it abuts the Ridge site will be restored native grasslands. The Parkside conservation area that is adjacent to the Goodell Property will be restored coastal sage scrub. Between these two habitat types a transitional area, grassland/scrub ecotone, will be adjacent to the boundary between the Ridge and Goodell properties. Suitable setbacks from habitat must be considered when identifying appropriate land use designations for the Ridge property. As proposed, the entire Ridge site will be land use designated residential, with no setback proposed from the immediately adjacent habitat on the Parkside site. Typically, habitat buffer areas are land use designated Open Space – Conservation. No Open Space – Conservation areas are proposed.

Because the 23.1 acre area of the Parkside site that is nearest to the Ridge property is land use designated Open Space – Conservation and uses within that area are limited accordingly, no archaeological work has been conducted. The remainder of the Parkside site (the 26.4 acres land use designated residential) was evaluated for the potential presence of archaeological resources but none were revealed.

Public trails, a one acre active public park and a 0.6 acre passive public park have been approved at the Parkside site. An informal public path along the northern property line of the Parkside site leads to the Ridge site. In addition, the public trail atop the vegetated flood protection feature on the Parkside site appears to align with an informal trail on the Goodell property.

4. Brightwater & the Lower Bench

Immediately across Bolsa Chica Street, west of the subject site, lies the 105.3 acre Brightwater Property. The Brightwater development was the subject of coastal development permit 5-05-020. The approved Brightwater project includes 349 residences on 67.9 acres and 37.1 acres of habitat restoration and public trails, located primarily on the upper bench of the Bolsa Chica Mesa. The 37.1 acre habitat area consists of a 29.2 acre coastal sage scrub and native grassland community located along the western and southern slope and bluff top edges and the 2.5 acre Los Patos Wetland and Southern Tarplant preserve. The remaining 5 acres of the 37.1 acre habitat area contain the Eucalyptus grove ESHA at the southeast base of the bluff and adjacent to the Goodell Property.

The lower bench of the Bolsa Chica Mesa is located south and west of the upper bench between the upper bench and the wetlands of the Ecological Reserve. The lower bench was purchased by the State of California and is now a part of the Ecological Reserve. The lower bench includes eucalyptus ESHA, southern tarplant, and significant raptor foraging area. In addition, the Brightwater development includes a public trail network, including the public trail along the bluff edge and pocket parks within the residential footprint.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

5. North Bolsa Chica Public Trail System

An extensive public trail system runs throughout the Bolsa Chica vicinity, including an extensive public trail system within the Bolsa Chica Ecological Reserve. The Brightwater development, west of the subject site, includes a public trail along the bluff edge overlooking the Ecological Reserve and the ocean beyond, with interior connections between the public streets and sidewalks of the development and the bluff trail. A trail connection between the Brightwater trail system and the East Garden Grove Wintersburg flood control channel (Co5) 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 Brightwater project link to the trail system of the Bolsa Chica Ecological Reserve. The Brightwater development also includes pocket parks throughout. All streets and sidewalks within the development are open to the general public.

The recently approved Parkside development, east of the subject site, also includes a public trail network. A public trail will be included atop the reconstructed East Garden Grove Wintersburg flood control channel (Co5) north levee. All streets and sidewalks within the development will be open to the general public with connectors to the public trails and parks within the development and vicinity. There will be a public trail along the boundary between the residential development and the buffer for the restored habitat area. An informal public trail along the northern property line connecting the Parkside site with the subject Ridge site will be retained. The public trail atop the vegetated flood protection feature leads to the Goodell property. Access to the Parkside public trails will be available from Graham Street into the subdivision and onto the north levee trail, as well as from the existing neighborhood immediately to the north along Greenleaf Avenue.

In addition, the Commission recently approved coastal development permit 5-09-209 (Orange County Public Works) for repairs to the East Garden Grove Wintersburg flood control (Co5) channel's south levee. The Commission's approval of that project includes public trail upgrades along the south levee that will further contribute to the public trail system in the vicinity.

These trails, in addition to providing recreational opportunities, also provide significant opportunities for nature study and views of the wetlands and ocean. Members of the general public come from throughout Orange County 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, as well as nearby Sunset Beach, can both be accessed from inland areas via this trail system.

C. Concurrent Consideration of the Adjacent Ridge and Goodell Parcels

As described above and elsewhere in this staff report, the Ridge and Goodell Properties have much in common. They are the only two parcels remaining in the northern Bolsa

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Chica area whose land use designation and zoning remain in question. The Goodell site has no final land use designation or zoning including none certified by the Coastal Commission. The subject Ridge Property's land use designation and zoning are certified, but the City, pursuant to this amendment request, would like to change that land use designation and zoning. Both sites are undeveloped.

In addition, both sites contain significant archaeological resources. The presence of archaeological resources on one site may affect the potential development footprint on the other. Biological resources are known to be present on the Goodell Property; however, at this time they appear to be far enough away from the Ridge property that a habitat buffer would not likely extend onto the Ridge Property. Biological resources information submitted in conjunction with the LCP amendment indicates that no significant resources occur on the Ridge site at this time. However, given the habitat in the project vicinity, it is possible that either property may develop such resources in the interim between action on this LCP amendment and consideration of the coastal development permit(s) that any future development on either site would require. Possible future habitat may include the presence of burrowing owls or establishment of southern tarplant, both of which are protected species. Other habitat types establishing on either site is also possible.

The Ridge property owner has verbally indicated it can obtain a property interest in the Goodell Property and has acted as agent on behalf of the Goodell property owner for previous Commission actions (including an enforcement action to address unpermitted archaeological work on the Goodell Property (in addition to CCC-13-CD-08) and a coastal development permit application (5-10-258, Goodell) to implement an Archaeological Research Design (ARD) on the Goodell Property (withdrawn)). However, it should be noted that, although the Ridge property owner has verbally indicated that he has a conditional option to purchase the Goodell Property, nothing in writing or binding upon each owner reflecting such an option has been included in the LCP amendment record.

Given the similarities and interrelatedness, it appears that the best option for Commission action on the Ridge and Goodell Properties would be to process both properties together under a single action. There are two options by which the two sites could easily be processed together: a single LCP amendment covering both sites once final annexation of the Goodell Property has occurred; or, a single consolidated coastal development permit for both sites together prior to the Goodell annexation. The City has indicated that annexation of the Goodell Property into the City was near completion until the process was suspended at the request of the Ridge property owner. The City has indicated that once the process is reinstated, final annexation is expected within sixty to ninety days. Once annexation is complete, the City could process a single LCP amendment for both sites. This would require a new local hearing process.

The other option available to process both sites together in a single action would be to process a single consolidated coastal development permit for both sites. Section 30601.3 of the Coastal Act allows that the Commission may process and act upon a consolidated

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

coastal development permit if both the following criteria are satisfied: 1) a proposed project requires a coastal development permit from both a local government with a certified Local Coastal Program and the Commission; and 2) the applicant, local government, and the Commission agree to processing a single consolidated coastal development permit. In this case, the Ridge Property falls within the City's LCP jurisdiction and would require a coastal development permit from the City; whereas the Goodell Property falls within an unincorporated and uncertified Orange County area and would require a coastal development permit from the Coastal Commission. If this option were to be pursued, both property owners would need to be co-applicants on the permit application, and both property owners, the City and the Commission would all have to agree to processing the application as a consolidated coastal development permit. This option would not require a new local hearing process for the coastal development permit. The consolidated coastal development permit would be subject to the public hearing process required by the Coastal Commission. However, a local hearing(s) may be required for other local approval(s) related to development considered under the consolidated coastal development permit.

Both options have been suggested to the City and Ridge property owners. However, both options were declined by both the City and the Ridge property owners. Reasons given for declining either option were based upon concerns with increasing the length of time it would take to complete the Goodell annexation and to process either a revised LCPA or a consolidated permit; and, with returning to the City for a new local hearing process. Even though the City and Ridge Property owner cite length of time issues with regard to a consolidated permit, the Ridge Property owner will, nonetheless, have to seek local CDP approval from the City upon redesignation of the Ridge Property. Such a local CDP approval could also be subject to an appeal to the Commission because the Commission's appellate jurisdiction extends to the Ridge Property since it is located between the sea and the first public road paralleling the sea. Thus, it would appear that it may take even longer to gain final CDP approval of a residential development project on the Ridge Property through this LCPA route instead of through a consolidated permit route.

However, the LCPA amendment was originally submitted in 2010, but was withdrawn by the City due to issues related to the City's and property owner's stated desire that the Goodell Property be included in evaluating the proposed Ridge LCP amendment. If the Goodell Property was not linked to the Ridge LCP amendment, Commission staff would have to have recommended denial of the amendment as proposed due to the proposed loss of the higher priority Open Space Parks land use designation for the lower priority Residential designation without any consideration of mitigation to offset the loss. When the earlier LCP amendment was withdrawn it was with the understanding that when it was re-submitted it would include a mechanism for linking the two sites, such as final annexation of the Goodell Property into the City. However, just eight days after it was withdrawn (on October 25, 2013) it was re-submitted (on November 2, 2013) in exactly the same form it had previously been submitted. Rather than go forward with a recommendation for denial, the City and Ridge Property owner requested that Commission staff prepare suggested modifications to the LCPA as submitted that would

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

link the proposed land use designation change on the Ridge Property to limiting future development potential at the Goodell Property.

While all parties agree that considering the two sites together is the preferred approach, the City was not willing to propose it via a revised LCPA and the property owners are not willing to propose it via a consolidated permit. However, at the time of preparation of this staff report, both the City and the property owners object to the suggested modification requiring that the irrevocable offer to dedicate the Goodell Property in fee title be accepted prior to the proposed Residential land use designation and zone change on the Ridge Property. However, Commission staff believes the proposed loss of the high priority Open Space - Parks land use designation cannot be found to be consistent with the Coastal Act, unless another site is first secured for open space use. If the suggested modifications are not acceptable to the City and/or the Ridge property owner, either of the two options mentioned above can be pursued.

D. Coastal Act Consistency

1. Priority of Use

Coastal Act Section 30210 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.

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 30222 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.

Coastal Act Section 30223 states:

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

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Section 30210 requires that public access and recreational opportunities be maximized. Sections 30213, 30222 and 30223 of the Coastal Act establish a higher priority for public recreational uses over lesser priority uses such as residential, office or general commercial; and that land to support recreational uses be reserved for such use, where feasible.

In addition, the certified Land Use Plan/Coastal Element contains the following policies:

C 3.1.3

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

C 3.2.1

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

Although the standard of review is the Chapter 3 policies of the Coastal Act, the LUP policies may be used as guidance. These policies also establish a higher priority for public recreational use over private residential use.

The above policies prioritize recreation and visitor serving uses over other uses within the coastal zone. Not all land within the coastal zone is designated for visitor and/or recreational use. Non-recreational land use designations are allowed within the coastal zone. However, this underscores the importance of promoting and retaining recreational use over lesser priority uses at those sites designated for recreational use. Typically, land that is designated for recreational use is specifically identified for such use because its location and attributes especially lend itself to recreational opportunities. These locations may be near the beach, near public trails, offer wildlife and coastal view opportunities, and/or are located in an area known as a visitor destination. Therefore, any change of allowable land use within recreationally designated areas must be carefully considered.

Since the original certification of the City's LCP in 1982, the land use designation at the subject site has been Open Space - Parks. The area by area discussion in the originally certified LCP states (with [parenthetical] updates):

*A 10.5 acre area [the eastern portion of the original area is now part of the Parkside Property and is designated Open Space - Conservation] between the proposed Bolsa Chica Street extension [the Bolsa Chica Street extension has since been constructed] and the bottom of the mesa bluff is now planned low density residential. This bluff area contains a significant stand of mature eucalyptus trees [the Parkside Property's Northern Eucalyptus Grove ESHA] and affords a view into the Bolsa Chica and toward the ocean. To protect these bluffs and to allow public access to, and use of, this scenic area, **it has been redesignated recreation**. While the property could support either passive or active recreational*

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

uses without jeopardizing scenic amenities, a major recreation facility would not be compatible with the sensitive nature of the bluff and would not be allowed. The recreation designation is also compatible with existing stables [the stables have long since been gone from the area] located directly south in the County's jurisdiction [the Goodell site]. [Emphasis added in bold].

The eastern portion of the 10.5 acre site referenced above is now preserved under the land use designation Open Space – Conservation (Huntington Beach LUPA 1-06 Parkside). The remaining western five acres comprise the subject Ridge Property. Although the language cited above was not carried over when the LUP was updated via Land Use Plan Amendment No. 3-99, the Open Space - Parks land use designation was retained.

A letter from the City, dated 11/23/10, regarding the history of designating the site Open Space – Parks states:

“The property was annexed into the City in 1970. At the time it was incorporated into the City, both the General Plan land use and Zoning Map designations designated the project site for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At that time, a large scale development that included approximately 3,000 residential units was being considered by the County for the adjacent Bolsa Chica property, including the mesa and lowland. In anticipation of the development on the County property, the City re-designated an area that included the project site to Open Space – Park on the City's Land Use Plan, which was certified by the Commission in 1982.”

It may be that the site was initially designated Open Space – Parks to offset the impacts of 3,000 potential future residential units. However, that basis for the designation was not described in the certified Land Use Plan at the time. As cited above, the LUP text from that time indicates that the site was designated Open Space – Parks due to the unique characteristics and location of the site. And the reasons cited in the 1982 LUP language for designating the site open space at the time, still apply today. The fact that the eastern portion of the referenced 10.5 acre site has been preserved as open space supports the significance of the 10.5 acre area and the initial LUP designation of Open Space – Parks and underscores the fact that the reasons for designating this site as open space were appropriate in 1982 and remain so today. The assertion in the original LUP language that the site is sensitive due to its location adjacent to the northern Eucalyptus ESHA and proximity to the Bolsa Chica remains true today. In addition, the fact that a great deal more is known with regard to the significance of the archaeological and cultural resources of the Bolsa Chica Mesa, further underscores the significance of the open space designation of the site. The reasons given in the original LUP for designating the site Open Space Parks were accurate in 1982 and remain so today. The site is still within close proximity to ESHA that is now preserved in conservation open space, the view from the site extends to the Bolsa Chica wetlands and toward the ocean now, just as it did in 1982. In addition, an open space designation would be more appropriate for

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

protection of the rich prehistoric and historic uses as well as the protection of any archaeological resources that may exist on site than a residential designation.

In addition to the habitat on the Parkside site, some habitat is known to exist on the adjacent site to the south, the Goodell site. Moreover, environmentally sensitive habitat area (ESHA) and other significant habitat are present in the greater project vicinity at the Parkside and Brightwater Properties and within the Bolsa Chica Ecological Reserve. Furthermore, a pre-historic house pit was found along the property line separating the subject Ridge site and the adjacent Goodell site, suggesting a possibility of archaeological resources still extant on the subject site. The fact that all these factors apply as well to the Goodell Property further underscores the appropriateness of considering both sites together.

The City's certified Implementation Plan (Zoning and Subdivision Ordinance) establishes a standard for the provision of park space and requires five acres of parks per every thousand residents. In the immediate vicinity of the subject site, between Warner Avenue, Graham Street, the East Garden Grove/Wintersburg flood control channel and the Bolsa Chica Ecological Reserve, there are well over 1,000 residents. Although there are trails and habitat conservation open space, the only park within the area is the small tot lot area within the Brightwater development. A future one acre active park and 0.6 acre passive park have been approved on the Shea site, but construction is not yet underway. Thus, there is less than two acres of park in the subject site's vicinity. Even by the City's own standard (5 acre/1,000 residents), the area is deficient in park space. Moreover, the project vicinity, including the Bolsa Chica Ecological Reserve is a visitor draw of statewide magnitude. The conversion of land designated Open Space Parks to Residential will increase the number of residents in the area and thus increase the parks deficiency, while retaining it would help to offset the existing deficiency.

Given the size of the State owned Bolsa Chica Ecological Reserve and surrounding habitat areas and given the greater than regional draw of the area, an area dedicated specifically for public park use would be appropriate. A public park in this location would be ideal for trail staging area and/or for a public restroom. In addition, this site offers views of the habitat area preserved to the east and to the Bolsa Chica Ecological Reserve to the south and of the ocean to the southwest. The subject site's location on the bluff top and adjacent to Bolsa Chica Street (a major access point for the public trail system), make it readily visible and accessible to local and regional visitors, underscoring its suitability for such a use.

The City has indicated that the site has not been used for public park use, stating in the City staff report (Request for City Council Action, 7/6/10): *"Although the project site is designated Open Space – Parks, the site is not currently used for a public park or public open space area. In addition, the property is not included on the City's inventory of parks and the City's Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the City, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment would not result in*

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

the loss of existing park space, passive public open space or planned future park and recreational opportunities.”

In response to Commission staff questions regarding whether entities other than the City (including governmental or nonprofit) might develop the site as a public park, and asking whether these other entities had been contacted regarding interest in the site as a public park, the City responded in a letter dated 11/23/10 (See Exhibit 4): *“The subject site does not appear on the long range plans of either the State or the County of Orange as a public park or open space area. The State and the County are in the business of providing large-scale park and recreation opportunities and given the small size of this site, it would not meet the State or County criteria for a regional facility. As to the interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property. There is no guarantee however that any of these organizations, if they were to purchase the property, would convert it to public park use.”*

The City has not approached any other entities to ascertain interest in the site prior to the local approval of the conversion of the subject site from the higher priority public recreation land use designation to the lower priority residential designation. There are in fact local non-profit groups who could reasonably be approached to this end. For example, the Bolsa Chica Land Trust has long been active in raising money to preserve the Bolsa Chica area. In addition, Orange County Coast Keeper is actively involved in managing publicly owned access and recreation facilities in the City of Huntington Beach, including the recently opened public beach at the Huntington Harbour Bay Club site, as well as other public walkways fronting along Huntington Harbour such as the one adjacent to the Portofino Condominium complex near Sea Bridge Park and another northwest of Peter’s Landing. Moreover, the State of California is the landowner of the Bolsa Chica Ecological Reserve and the lower bench of the Bolsa Chica Mesa and may consider including the subject site in conjunction with its duties in managing the Reserve.

Furthermore, as cited above, the City has stated: *“As to interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property.”* However, it is generally acknowledged that a land use designation change can affect property value. The City’s approval of a designation change from Open Space Parks to Residential may in fact have the effect of pricing the property beyond an interested non-profit’s means, whereas retention of the existing higher priority land use designation may not.

Regarding the basis for changing the land use designation from the high priority Open Space - Parks to the lower priority Residential, the City’s 7/6/10 Request for Council Action (RCA) staff report states (and is reiterated in its letter dated 11/23/10): *“Currently, under the Open Space – Park land use designation, the project site would be permitted to develop as a public park or public recreational facility. No other uses would be permitted and the property owner would not be able to develop any of the uses allowed under its current Residential Agricultural zoning designation. Given that the City does not intend to acquire the site for development of a public park, the property*

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

owner is not afforded the opportunity to develop the property with any development in the interest of the property owner. The proposed General Plan Amendment would allow the property owner to develop the property and would eliminate a current inconsistency between the General Plan and zoning land use designations.”

This argument appears to indicate that retaining the site’s land use designation as Open Space Parks would deprive the property owner of his investment backed expectations. However, such a conclusion cannot be drawn based upon the information provided in the record. Notably, it’s hard to imagine that there is a reasonable investment backed expectation to develop the requested residential density allowed under the proposed LUP amendment when the Ridge Property owner has known that the property has been designated Open Space Parks for over 30 years, which is a designation that doesn’t allow for residential development. Commission staff requested an economic viability determination be performed in conjunction with the proposed land use designation and zone change. The City responded to that request, in its 11/23/10 letter, as follows: *“With respect to the economic viability determination, the landowner, Signal Landmark has declined our request to provide the necessary information to conduct such a determination citing proprietary concerns.”* The City further argued, in its letter of 11/23/10, that a Mitigated Negative Declaration (MND) was approved in conjunction with the proposal and that CEQA does not require an alternatives analysis for MNDs. Nevertheless, the City indicates that it did consider alternatives, but that alternatives must consider the feasibility of an alternative. Regarding this matter, the City’s 11/23/10 letter further states: *“Because an alternatives analysis was not required, the feasibility of each alternative was not examined. Even if an alternatives analysis were prepared, however, economic feasibility would not be the sole focus of the analysis. For these reasons, the City did not conduct nor is it legally required to prepare an economic viability determination. If the Coastal Commission believes that it must consider the economic viability of alternatives in order to avoid the payment of just compensation for taking private property pursuant to Coastal Act Section 30010, the City believes that it would be the responsibility of the Coastal Commission to conduct that analysis.”*

However, it is important to note that Commission staff did not ask for the economic viability study because it must consider the economic viability of alternatives based on Coastal Act section 30010³, but because, based on the City’s language cited above (*“Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the property owner.”*), it appeared that the City was arguing that any land use designation other than Residential at the site would not afford the property owner the opportunity to develop the site with *“any development in the interest*

³ Section 30010 of the Coastal Act provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

of the property owner.” In any case, an economic viability study was requested, but submittal of such a study was refused.

Nevertheless, it appears that retaining the Open Space Parks designation on the site could afford the property owner with a viable interest, contrary to the City’s assertion. As discussed above, it is possible that the site could be sold to either a public or private non-profit entity for park use. It has not been demonstrated that that is not feasible. Moreover, options other than either retaining the entire site as Open Space Parks or converting the entire site to Residential exist. It does not have to be an all or nothing proposition. It may be appropriate to apply more than one land use designation to the site and/or another land use designation(s) on site may be appropriate. It appears that other land use designation options could be feasible at the site and would provide the property owner an interest. The current zoning at the subject site is Residential Agriculture, which does not match the current land use designation Open Space – Parks. However, the Residential Agriculture zone allows one residential unit per five acres. Thus, in addition to the options above, the possibility of allowing one residential unit at the site while retaining the remainder of the site in open space merits consideration. This too would provide the property owner with an economic use of its property. The owner of the subject site has already received approval for and constructed the residential development at the Sandover and Brightwater developments. At the time those developments were approved the subject site was identified as Open Space – Parks. A request to convert the subject site from the Open Space – Parks land use designation for the purpose of more residential development more appropriately would have been raised by the property owner at the time those developments were under consideration to provide a more comprehensive understanding of ultimate development of the property owner’s entire interest at the site, rather than approach this last piece of the property owner’s interest on the Bolsa Chica mesa as its sole interest.

The City has argued that it cannot be required to consider alternatives to the proposed land use designation change. A letter from the City Attorney on this topic argues: *“The requested Alternatives Analysis would be especially arbitrary for amendments that involve solely land use zoning designations, as the range of “alternatives” for such designations would be open-ended. Why, for example, as part of the analysis would the City also not be required to evaluate designations for Industrial or High-Density residential? In other words, the Alternative Analysis you have proposed seems to be an arbitrary requirement designed to force the City to expend resources exploring designations which Commission staff believes might be preferable. That level of discretion is not vested in Coastal Commission staff. If the Alternatives Analysis is required as a pre-condition to consideration of the City’s proposed submittal, we believe it would constitute an arbitrary obstacle to processing of the City’s submittal, and an abuse of discretion.”*

However, as is reflected in Commission staff’s letter requesting the additional information (See Exhibit 5), the information is necessary because the proposal would eliminate a use designated by the Coastal Act as a high priority and instead replace it with a use that is a very low priority under the Coastal Act. For that reason, there would be no

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

point in considering an Industrial use alternative, because that also is a very low Coastal Act priority use. However, consideration of High Density Residential at the site would be appropriate. If a residential land use designation is to be contemplated, consideration should be given to concentrating the residential use in a smaller footprint while also considering a higher density within that smaller footprint. The area of the site not within the smaller, high density residential footprint, could then be retained for public recreational or conservation use. Such an alternative could potentially allow the property owner development interest, while also allowing for retention of a higher priority Coastal Act use on the site.

The proposed LUP amendment, rather than protecting and encouraging recreational opportunities, would reduce such opportunities. Land available for recreational and other open space uses in the coastal zone is limited. Due to the limited number of sites available for recreational uses, the proposed conversion of land use designation from the high priority Open Space – Parks to the lower priority Low Density Residential does not assure maximum access and recreational opportunities as required by the Coastal Act policies cited above. Moreover, the proposed amendment does not include any measures to offset the proposed loss of a higher priority public access and recreational land use designation at the subject site. There appear to be feasible options to the proposed re-designation from the higher priority to the lower priority land use designation that could preserve the potential for providing public recreational use at the site, such as offering the site for sale to government or non-profit agencies or converting the land use designation of only a portion of the site to residential use. There may be other options as well. Given the expected demand, the limited number of parks in the vicinity, and the site's unique location, the Commission finds that conversion of the land use designation from one which allows priority public recreational uses to one which would result in lower priority private residential use is not consistent with the public access and recreation policies of Sections 30210, 30213, 30222 and 30223 of the Coastal Act. Therefore, the amendment as proposed is inconsistent with the requirements of Section 30210, 30213, 30222 and 30223 of the Coastal Act and must be denied.

2. Protection of Cultural Resources

Section 30244 of the Coastal Act states:

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

In addition, the City's certified Land Use Plan/Coastal Element includes Goal C 5, which states:

Promote the preservation of significant archaeological and paleontological resources in the Coastal Zone.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

In addition, the City's certified Land Use Plan/Coastal Element also includes Objective C 5.1, which states:

Identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone.

LUP Policy C 5.1.2 states: *"Where new development would adversely impact archeological or paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required."*

Although the standard of review is the Chapter 3 policies of the Coastal Act, the above cited LUP policies may be used as guidance. Both these LUP standards and Coastal Act Section 30244, cited above, require protection and reasonable mitigation of cultural resources. The presence of significant cultural resources, including the remnants of a pre-historic dwelling structure or house pit, containing a hearth, fire-affected rock, tools, ornaments and other artifacts and intact cultural midden soils within a known significant archaeological and cultural site, have been documented at the subject site (as described previously). However, also as previously described, these cultural resources have been removed from the site without the required coastal development permit. Nevertheless, seasonal occupation and ceremonial use by native people is documented at the subject site as well as extensive use, including sacred burial site, of the greater Bolsa Chica Mesa. It is important to recognize this past use and treat the significant cultural area with dignity and respect. Therefore, it is appropriate to incorporate a development setback from the prehistoric Native American use area. A setback is also needed to protect in place any remaining artifacts that surrounded the prehistoric house pit structure. Although the house pit was completely removed, the unpermitted archaeological excavations, although extensive, did not extend to the depth below which prehistoric deposits could exist, outside of the house pit area. The boundaries of the pre-historic dwelling structure and the artifacts that surrounded the feature are known and are shown on Figure 16 of the April, 2013 SRS archaeological report titled, 2013 Archaeological Abstract, Assessment of Excavations on CA-ORA-86, Bolsa Chica Mesa, Huntington Beach, CA (see Exhibit 8).

Although the presence of this significant cultural feature and the surrounding artifacts was known at the time the proposed amendment was prepared, no setback is included in the LCP amendment proposal. Reasonable mitigation measures, such as a development setback, which necessary to protect the significant prehistoric cultural use area and prevent further adverse impacts to any remaining resources is not proposed in the amendment request. The proposal is not consistent with Section 30244 of the Coastal Act and therefore must be denied as submitted.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

3. Protection of Habitat

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

As described above, an extensive amount of significant habitat exists in the subject vicinity. Typically, the Commission imposes a setback of 50 to 100 feet from coastal sage scrub habitat, depending upon specifics of the site. Coastal sage scrub currently exists on the Parkside site in the area nearer the flood control channel, more than 100 feet from the Ridge site. Additional coastal sage scrub is part of the approved Habitat Management Plan for the Parkside development. Parkside's restored coastal sage scrub habitat will be located immediately adjacent to the Ridge Property's southeast corner, and thus, the required habitat buffer would extend onto the Ridge Property.

Coastal sage scrub (CSS) is a general vegetation type characterized by special adaptations to fire and low soil moisture. The defining physical structure in CSS is provided by small and medium sized shrubs which have relatively high photosynthetic rates, adaptations to avoid water loss, including drought deciduousness, and adaptations to fire, such as the ability to survive the loss of above ground parts and re sprout from root crowns. In addition to twenty or so species of perennial shrubs, such as California sage brush, CSS is home to several hundred species of forbs and herbs, such as the California poppy.

About 2.5% of California's land area was once occupied by CSS. In 1981, it was estimated that 85% to 90% of the habitat type had been destroyed state wide and, in 1991, it was estimated that San Diego, Orange, and Riverside counties had lost 66% of their CSS. Current losses are higher and losses in the coastal zone have undoubtedly been much higher. Compared to its natural distribution and abundance, CSS is in decline and it is in decline because it has been destroyed by human activities. Unfortunately for the habitat type, it occupies shallow slopes on lower elevations of coastal mountain ranges, areas that are understandably prized for development.

Despite its decline, CSS provides important ecological functions. It can be home to some 375 species of plants, many of which are local endemics. About half the species found in CSS are also found in chaparral after fire, but disappear from that habitat after about seven years. CSS may provide a spatial refuge for those herbs between fires. Nearly 100 species of rare plants and animals are obligately or facultatively associated with coastal sage scrub habitats. In addition, coastal sage scrub is often the natural upland habitat adjacent to wetland habitats such as coastal salt marshes and vernal pools, and is important to species that require both habitat types to complete their life cycle.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

CSS within urban environments can provide refuges for sensitive bird species, such as the coastal California gnatcatcher, that may repopulate larger preserves nearby that may be severely impacted by events such as fires that reduce or destroy that preserve's population (i.e. 'rescue effect'). High quality coastal sage scrub also may be of significant value in heavily urbanized areas by contributing to the local diversity of vegetation, even if it is so isolated as to lose much of its wildlife value.

In its actions on the Parkside Property, the Commission found the group of trees near the base of the slop in the northwest portion of that site to be ESHA. The trees within this "eucalyptus grove" constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. At least ten species of raptors have been observed in this grove and Cooper's hawks, a California Species of Special Concern, are known to have nested there. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors, these trees also constitute ESHA. This northern eucalyptus grove is recognized in the City's certified LCP as ESHA.

Previously the Commission found that the minimum setback from the Eucalyptus ESHA on the Parkside Property is 300 feet. Area required for setbacks necessary to protect habitat and assure its continuance are typically land use designated Coastal Conservation. An example of this application is the land use designation at the Parkside Property, where the wester portion has been designated Open Space - Conservation. A 300 foot setback from the northern Eucalyptus Grove ESHA on the Parkside site would extend onto the Ridge site a maximum of 150 feet at its closest point. Habitat buffer areas or setbacks are imposed to protect the habitat from significant disruption, and to prevent impacts that would significantly degrade the habitat areas. The proposed land use designation change should identify all land on the Ridge Property that would need to be reserved for buffer area as necessary to protect habitat. Area needed for habitat setback would appropriately be designated Open Space – Conservation. However, as proposed, no area of the Ridge Property would be designated anything other than Residential. Thus, protection of the adjacent habitat is not assured as required by Section 30240 of the Coastal Act, and therefore, the amendment must be denied as submitted.

E. City Owned Parcel

The proposed change to the land use plan map is reflected in Exhibit B, attached to City Council Resolution No. 2010-48, titled "*Extract of Figure C-6*" (See Exhibit 3). *Extract of Figure C-6* identifies the subject site as RL-7 (Residential Low Density – 7du/acre), and also shows a strip of land along the northern property boundary of the site that is land use designated Open Space - Parks. It was not clear, from the information contained in the amendment submittal, whether this strip of land falls within the five acre Ridge Property, or off site. The City has since clarified that the area in question is a 30 foot wide parcel owned by the City. The City has also indicated that it is its intent that this parcel be land use designated Open Space – Parks and used as a public access trail linking the informal trail on the Parkside Property with Bolsa Chica Street.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

However, the proposed Open Space-Parks (OS-P) designation shown at the northern property line does not extend all the way to the Los Patos Avenue/Bolsa Chica Street intersection. Rather it is separated from those public rights-of-way by a strip of land shown with a Residential Low Density land use designation. Thus, the proposed change to the land use plan map depicts the City owned, OS-P parcel, as being blocked from connecting to the public sidewalk, which would make the OS-P strip moot. Although this appears to have simply been an oversight in the amendment submittal, it is important to correct this error on the land use plan map in order to implement the important public access function City owned parcel is intended to serve. As is, the proposed land use plan map would interfere with public trail access and so is inconsistent with the public access and recreation policies of the Coastal Act and therefore must be denied.

**IV. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT
ONLY IF MODIFIED AS SUGGESTED**

A. Incorporation of Findings for Denial of the Land Use Plan Amendment as Submitted

The findings for denial of the Land Use Plan amendment as submitted are hereby incorporated as though fully set forth herein.

B. Coastal Act Consistency

1. Priority of Use

As described previously, the proposed land use designation change from the high priority Open Space – Parks to the low priority private residential is not consistent with Sections 30210, 30213, 30222, and 30223 of the Coastal Act. However, there are some options that may allow a land use designation change that could allow some residential use on the Ridge Property that would be consistent with the public access and recreation and priority of uses Sections of the Coastal Act. One option that would allow a change on the Ridge Property from a higher priority land use to a lesser priority one would be to provide an area of equivalent or greater value, and designate that site with the higher priority land use designation to replace the loss at the Ridge Property. The adjacent Goodell Property would provide such an opportunity.

The Ridge Property is a total of five acres. The Goodell Property is a larger property, totaling of 6.2 acres. The Goodell site is immediately south of and adjacent to the Ridge site, and is situated nearer to the Bolsa Chica Ecological Reserve, thus the Goodell Property's location would provide even better opportunities for direct trail connections and public views from the Bolsa Chica mesa bluff top than the Ridge Property. In addition, an informal trail has historically crossed the Goodell site. This informal trail roughly aligns with the public trail that will be on top of the vegetated flood protection feature on the Parkside property. Land use designating the Goodell Property for passive public open space would allow linkage of these two trails.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Although an Archaeological Research Design has not been implemented on the Goodell Property, it is considered part of ORA-83 and it is widely expected that significant prehistoric Native American cultural resources are present. The pre-historic dwelling discussed previously extends across the Ridge/Goodell property line, onto the Goodell Property. Additionally, intact shell midden has been documented as present on the site. An additional subterranean dwelling structure was found on the eastern slope adjacent to the Goodell Property, on the Parkside Property (in the area preserved as Open Space – Conservation). Moreover, many significant cultural resources were discovered on the area of the mesa separated from the Goodell site by Bolsa Chica Street. Prehistoric deposits would not stop at a modern boundary such as Bolsa Chica Street. Thus, it is widely expected that similar resources are present on the Goodell Property. These facts and others lead to the expectation that cultural resources of similar and greater significance are present on the Goodell Property as compared to the Ridge Property.

In addition, the Goodell Property is located in closer proximity to sensitive habitat including the extensive sensitive habitat of the Bolsa Chica Ecological Reserve, the restored habitat of the Brighwater development, and the existing and to-be-restored habitat on the Parkside Property. Moreover, currently there is no known sensitive habitat present on the Ridge Property itself, whereas sensitive habitat is present currently on the Goodell Property. The current habitat on the Goodell Property includes nesting and roosting area for sensitive raptors, including the California protected white tail kite. In addition, trees and shrubs planted on the Goodell Property to offset unpermitted removal of significant vegetation, provide additional habitat value on the site.

The Ridge Property is significant for a number of reasons including, the fact that it is one of the few undeveloped properties in the Bolsa Chica vicinity, and that it is uniquely located to provide public recreational uses and protection of adjacent sensitive habitat areas. Nevertheless, the Ridge Property is more likely able to support some amount of residential development. Whereas, the Goodell Property may be constrained in its ability to support any type of non-open space development due to the presence and proximity of environmentally sensitive habitat at the site, the high likelihood that significant cultural resources are present on site, and due to the fact that its location affords even better public views than are available from the Ridge Property. In sum, the Goodell Property is equivalent to or more valuable than the Ridge Property in terms of habitat, public access, public views, and it also contains more physical area (6.2 acres compared to the 5 acre Ridge Property). The Ridge property owner's archaeological consultant has indicated that, based upon the extensive archaeological excavation and testing conducted at the site, no further cultural resources are expected on the Ridge Property. However, regardless of that finding, it must be noted that if significant cultural resources were to be discovered on the Ridge Property, development would need to be redesigned accordingly to avoid all significant resources.

Therefore, if future development potential of Goodell Property were limited only to passive public open space uses, and there were assurances that site would be restricted only to those uses in perpetuity, then it would be possible to find that the change of the

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

land use designation on the Ridge site from the high priority Open Space-Parks use would not result in a loss of open space use, but rather a transfer to a more valuable location.

However, the change in land use designation on the Ridge Property could not be found to be consistent with the Coastal Act's higher priority for open space use unless the Goodell Property were permanently secured for passive public open space uses **prior to** the loss of the Open Space Parks land use designation on the Ridge Property. Discussions with the City and property owner indicate that their preference is to allow the change in land use designation now and restrict the Goodell Property in the future when a coastal development permit for the site is processed for the Ridge Property.

The City and the property owner have suggested that the Goodell Property would be adequately protected with site specific language in the Coastal Element that states that, although the land use designation on the Ridge Property is Residential, no residential development may proceed until the Goodell Property is deed restricted for passive public open space uses and offered for dedication in fee to an appropriate public or private non-profit group.

However, if the permanent restrictions on the Goodell Property are not secured **prior** to the change in land use designation, there cannot be certainty that the restrictions will indeed occur. This would result in the loss of the preferred Open Space – Parks land use designation without securing an equivalent or greater open space site in its place. If the Goodell property owner chooses not to sell the site, then the lesser priority residential land use designation on the Ridge Property would already be in place and certified, but without the ability to develop the site consistent with that land use designation. This may potentially raise legal questions about whether the lower priority residential development could then be denied. In addition, if the dedication is only required to be offered (rather than offered and accepted), it could be up to twenty years before passive uses such as public trails and a Native American contemplative area could be developed. Moreover, with the method suggested by the property owner and City, there is ultimately no requirement that the offer to dedicate ever be accepted. Therefore, under the City's scenario Commission staff believes there is no certainty that the loss of the Open Space – Parks land use designation would be offset by the provision of equivalent or greater open space. These concerns are magnified by the fact that the Ridge property owner does not currently own the Goodell Property, and that the Goodell Property owner is not part of this process, and that the Goodell Property is not currently located within the City's jurisdiction.

Although the City is in the process of annexing the Goodell Property, the annexation process has been suspended by the City at the request of the Ridge property owner. The City has indicated that the process was suspended because the Local Agency Formation Commission requires land use designation and zoning to be in place at the time of annexation. The Ridge property owner does not want the annexation to go forward with open space land use designation and zoning on the Goodell Property until there is assurance that the Ridge site can be developed with residential uses. However, assurance

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

of future Ridge development potential cannot be given as long as the development relies upon extinguishing development potential of the Goodell Property, but that required extinguishment has not occurred. There are too many possibilities that the restrictions necessary on the Goodell Property may not occur. In the mean time the higher priority Open Space – Parks land use designation would be lost. Because the Goodell Property is not owned by the Ridge property owner, and the Goodell property owner has declined to participate in this amendment process, and the Goodell Property also is not located within the City's corporate boundary and thus not within the City's LCP jurisdiction, it is difficult to feel confident that the Goodell Property's involvement is assured.

It would be difficult to impose strict development restrictions on a site not under common ownership, not in the same jurisdiction, and to which the restricted property (Goodell) owner is not party, in order to allow an otherwise unacceptable land use designation change and related development on a separate site. For example, the Goodell property owner could choose not to sell the parcel to the Ridge property owner. And, if not acquired, the Goodell property owner could rightly argue that he/she never agreed to be bound by the land use restrictions suggested by the Ridge property owner and cannot be bound to them simply because another property owner has suggested it. Under the City's preferred scenario, this would result in the Ridge Property not being able to develop the site with residential uses. However, the situation at that point would be a lesser priority land use designation on the Ridge Property without the ability to develop consistent with that land use designation, which potentially raises legal questions about whether such lower priority development could then be prevented.

Although nothing in the City's and Ridge property owner's suggestion binds the Goodell site, the land use designation change is in fact dependent upon limiting uses at the Goodell site. So, if, for whatever reason, a deal between the Ridge and Goodell property owners never materializes, we are left with a site that, although the LUP says no residential development can go forward, the land use designation is, nevertheless, Residential. Meanwhile the previous and preferred land use designation of Open Space Parks is lost. That puts decision makers in the difficult position of justifying prohibiting or severely restricting development that is consistent with the approved land use designation.

City staff has argued that the land use designation at the site will remain Open Space Parks in addition to Residential. However, under the scenario preferred by the City and property owner, the land use plan map designates only Residential as the land use at the site.

However, if the Goodell property is irrevocably offered to dedicate in fee title to a governmental or non-profit entity acceptable to both the Coastal Commission Executive Director and the City's Director of Community Development, and that offer is required to be accepted before the land use designation could change, and the offer is restricted for passive, public open space uses only, then there would be assurance that an area of equivalent or greater value would replace the loss of the open space land use designation at the Ridge site. With preservation of an equivalent or greater area for passive public

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

open space uses, there would be no loss of area designated for open space uses and the proposed land use designation change could be found to be consistent with the Coastal Act sections regarding priority of use.

In order to achieve the transfer of the high priority land use designation for open space uses from the Ridge Property to the Goodell Property described above, a conditional land use designation would need to be established in the City's Land Use Plan/Coastal Element. This could be accomplished by establishing a new subarea on Table C-2 to specifically identify the restrictions and requirements applicable to conditional land use designations of the Ridge Property. In addition, the new subarea would also need to describe the role played by the Goodell Property and its relation with the Ridge Property's land use designation. Language in the new subarea would make clear the Goodell site is not bound by these restrictions, but that the Residential land use designation would not apply to the Ridge Property, until the Goodell Property restrictions were implemented via acceptance of a restricted offer to dedicate is accepted. This is important because, at this time, as stated previously, the Goodell Property is not owned by the owner of the Ridge Property and, moreover, the owner of the Goodell property has not indicated acceptance or rejection to this plan. Therefore, the owner of the Goodell property could choose not to allow sale or the restrictions on its property.

Although the owner of the Ridge Property has verbally indicated that he has an option to purchase the Goodell Property, there is nothing in the amendment record verifying this claim. Nevertheless, Commission staff acknowledges that such a purchase is not unlikely. Regardless of the likelihood of the purchase actually occurring, there is no certainty that it would occur. Because there is no certainty that the Goodell Property would be available for the purpose of transferring the open space land use designation from the Ridge Property, a conditional land use designation must be established. If the Goodell Property is not secured for open space land use purposes, but the land use designation of the Ridge Property changes anyway, the higher priority Open Space – Parks land use designation would be irretrievably lost. Any such loss is significant, but a loss of open space within the subject site's vicinity is especially great. Such a loss could not be found to be consistent with the Coastal Act's priority of use hierarchy. Thus, the City's and property owner's preference to allow the land use designation change first, and then restrict the actual residential development from commencing until the Goodell Property is offered for dedication and deed restricted for public open space uses, to be required at the time a coastal development permit is processed, does not adequately assure that the loss of the Open Space – Parks land use designation on the Ridge Property would in fact be effectively mitigated by transferring the significant priority open space use from the Ridge Property to an acceptable property in the vicinity.

Therefore, a modification is suggested that requires that the Ridge Property to remain land use designated Open Space - Parks and that only after a restricted offer to dedicate the Goodell Property is accepted by an appropriate entity will the land use designation at the Ridge Property change to Residential. If modified as proposed, there would be no loss of the higher priority open space land use designation because an adjacent site of equivalent or greater value would be secured by an acceptable public agency or private

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

association which would be more likely to provide the actual open space use to the public in exchange for the loss of open space use on the Ridge Property .

In order to accomplish this conditional land use designation, two new figures would need to be added to the Land Use Plan/Coastal Element: one depicting the current Open Space - Parks land use designation (New Figure C6-b) and one depicting the land use designation of the site as Residential *only after a restricted offer to dedicate the Goodell Property is **accepted*** (New Figure C6-c). In addition, the new Figure C6-c must only designate that portion of the Ridge Property outside of the area restricted for habitat and cultural resources protection (described below) with the Residential land use designation. The area restricted for habitat and cultural resources protection shall be land use designated Open Space – Conservation and so depicted on new Figure C6-c.

Only if modified as suggested can the proposed amendment be found to be consistent with Coastal Act Sections 30210, 30213, 30222, and 30223 regarding priority of uses.

2. Cultural Resources

As detailed above, the Ridge site contains a significant archaeological site, CA-ORA-86, a part of the highly significant CA-ORA-83 “Cogged Stone Site”, even though the house pit feature and associated artifacts surrounding the structure was at least partially removed. However, it is highly likely that additional significant cultural resources remain on the site. Archaeology is not an exact science and therefore the presence of buried prehistoric resources cannot be determined without meticulous shallow or archaeological grading over the entire site. As stated above, these same conclusions were assumed on the adjacent CA-ORA-83 “Cogged Stone Site” after more than two decades of investigations and excavations and only through archaeological grading were nearly 80 additional prehistoric human burials and prehistoric animal burials found.

Coastal Act section 30244 requires that reasonable mitigation measure be implemented to protect cultural resources. Reasonable mitigation that is most protective of the documented highly significant archaeological resources of the Bolsa Chica Mesa includes protecting any remaining resources in place. The significance of the archaeological sites of the Bolsa Chica Mesa have been recognized by the successful nomination to the California as well as the National Register of Historic Places. Additionally, the Native American Heritage Commission (NAHC) has determined that “The Cogged Stone Site” is a Native American cemetery due to the approximately 160 Native American burials that were found on the site. Between CA-ORA-85 and CA-ORA-83 archaeological sites on the Bolsa Chica Mesa, over 100 significant prehistoric features such as house pits, rock pits, and hearths and tens of thousands of beads, charmstones, cogged stones and other artifacts have been found. Cogged stones are unusual artifacts that are manufactured for use in ceremonial practices. Unfortunately, all of the features and artifacts have been completely excavated and all of the burials have been relocated. This was done through coastal development permits issued over 30 years ago when predecessor Commissions agreed that the complete removal (data recovery or salvage) and relocation of human remains to make way for planned development, was considered

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

reasonable mitigation measures. However, since early 2000 the Commission has required that significant cultural resources be protected in place and the proposed development that would adversely impact those resources be redesigned (5-97-367, Hellman Properties LLC, as amended; 5-11-011 (Shea Homes), among others).

In this case, despite the fact that the house pit feature and the detected surrounding artifacts have been removed from the site, the site remains to be a significant cultural resource. Although extensive, the archaeological excavation did not extend to the depth below which prehistoric deposits could exist outside of the house pit area, as shown in Exhibit 8, which is from the SRS archaeological report prepared for the subject property.

However, as proposed, the land use designation change would allow residential and related development within the area of known significant archaeological and cultural resources. Although not proposed as part of the amendment, as property owner has suggested an inadequate setback from the significant feature that was removed (see Exhibit 9). Although Exhibit 8 shows that features and artifacts were found scattered outside of the house pit feature, the property owner has suggested a straight line setback that is immediately adjacent to the west and east sides of the oval structure. Only if the setback is expanded to 50 feet from the house pit structure and is land use designated Open Space – Conservation will the features and artifacts surrounding the house pit be protected in place. This setback will also constitute an appropriate setback from the house pit structure that was completely removed. Only if modified to amend the proposal to provide a 50 foot setback from the house pit feature, to designate this area Open Space-Conservation and to require a Cultural Resources Protection Plan, including the requirement to carry out controlled, shallow layer grading prior to construction grading so that any remaining significant cultural resources can be detected and the project redesigned to avoid impacts to those resources, is the proposed amendment found to be consistent with Coastal Act Section 30244 regarding the protection of archaeological resources.

3. Habitat Protection

As described previously, the subject site is within an area which supports extensive significant habitat. Immediately east of the subject site is the Parkside restored habitat area, which currently includes wetlands and Eucalyptus ESHA and other sensitive habitats. Additional habitat will be restored on the Parkside site immediately east of the subject site once all conditions for that permit have been met and the permit is issued. Habitat to be restored along the subject site's eastern property boundary includes native grasslands to the north, and, moving south from the native grassland restoration area, habitat to be restored includes a grassland/scrub ecotone (a grassland and coastal sage scrub habitat transition area), and, further to the south, coastal sage scrub. These habitats are identified in Habitat Management Plan (HMP) approved for the Parkside development (See Exhibit 7). The approved HMP was prepared by LSA and is dated October 2013. The HMP identifies the areas to be preserved and restored on the area of the Parkside site designated Open Space – Conservation. Although the habitat on the westernmost portion of the Parkside site (the area that abuts the Ridge and Goodell

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Properties), has not yet been planted, planting is expected to begin shortly and prior to development (other than Open Space – Parks development) occurring on the Ridge Property. Therefore, when considering an appropriate location for a development footprint at the Ridge Property (only once the Goodell Property is dedicated and accepted for passive open space use as described above), consideration must be given to potential impacts to the adjacent restored habitat on the Parkside Property.

As proposed, the amendment does not recognize the need for any habitat buffer on the Ridge Property. Typically, the Commission imposes a setback from coastal sage scrub habitat ranging between 50 to 100 feet, depending on the specifics of each case. In its action on the adjacent Parkside development, the commission found that the minimum required setback from the Eucalyptus ESHA is 300 feet. In this case, the Commission's staff ecologist has reviewed the Biological Assessments prepared for the Ridge Property, the Goodell Property, and the Parkside Property and has determined that the same Eucalyptus ESHA setback would be appropriate for any future development at the Ridge site.

Typically, in order to assure that buffer setback areas remain free of development that would degrade or interfere with the continuance of ESHA, buffer areas are land use designated Open Space – Conservation. Habitat setback buffer areas are imposed to protect the habitat from significant disruption, and to prevent impacts that would significantly degrade the habitat areas. However, as proposed, the entire site would be land use designated Residential, with no setbacks from adjacent habitat considered and incorporated into the proposed land use designation for the site. A 300 foot setback from the northern Eucalyptus Grove ESHA on the Parkside site would extend onto the Ridge site a maximum of 150 feet. Coastal sage scrub (CSS) currently exists on the Parkside site in the area near the flood control channel, more than 100 feet from the Ridge site. However, additional coastal sage scrub is part of the approved Habitat Management Plan that will be implemented on the Parkside Property. Parkside's restored grasslands/scrub ecotone (coastal sage scrub/grasslands habitat transition area) will be located closer than 50 feet to the Ridge Property.

However, based upon the specifics of this site, the Commission's staff ecologist recommends that if a minimum six foot high masonry wall is constructed between future site development and the Parkside habitat, the setback from the Eucalyptus ESHA could be reduced to 150 feet. Thus, with the wall, no setback on the Ridge Property would be required to protect the ESHA. With regard to the coastal sage scrub (the scrub/grasslands ecotone of the approved Parkside HMP) located within 50 feet of the Ridge Property a reduced setback would also allow adequate protection of the CSS habitat. In this case, with placement of a minimum six foot high masonry wall and because the CSS to be protected is not natural CSS, an acceptable reduced setback for coastal sage scrub would be 20 feet from the restored habitat. Thus, with the minimum six foot high masonry wall, based on current biological information, the required on-site setback from coastal sage scrub habitat would be 20 feet. This setback would be taken from the coastal sage scrub/grassland ecotone that is located on the Parkside site, adjacent to the southeast corner of the Ridge property. The scrub/grassland ecotone is adjacent to the project site's

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

southeast corner. Thus, the CSS setback on the Ridge property translates roughly to the shape of a quarter circle with its center at the Ridge Property's southeast corner and a radius of 20 feet. This area of habitat buffer would fall within the larger area needed for cultural resources setback described above. The entire area (habitat and cultural resource setbacks) should be land use designated Open Space - Conservation. This should be depicted in the new Land Use Plan/Coastal Element Figure C6 - c described above.

It is important that if a wall, rather than the full setback, is employed with potential future development of the Ridge Property, that the wall be designed to be contained entirely on the subject site and no part of the wall should extend into sensitive habitat whether on-site or adjacent. Also, to prevent impacts to public views, the wall must be designed to be visually unobtrusive to the extent feasible. This may be accomplished by the use of offset or undulating wall footprint and appropriate coloring, etc.

If the requirements to allow the land use designation change from an open space use to Residential are met, any area needed as buffer area to protect habitat should be reserved for such use. Area needed for habitat setback would appropriately be designated Open Space – Conservation. Applying the setbacks described above would result in an area in the southeast corner of the site, roughly in the shape of a quarter circle with a radius of 20 feet and its center at the south east property point.

Furthermore, it is important to make clear that land use designation alone does not assure future residential development would automatically be allowed anywhere within the residentially designated area at the site. The area of the residential land use designation described above is recommended based upon the biology that exists at the site at this time. Biological resources can change over time and an area currently without recognized habitat value may, over time, develop habitat value. This is especially true at the subject site given the amount of significant habitat in the project vicinity.

Habitat with a reasonable possibility of developing at the site in the interim between the time the Biological Assessments in the amendment file were prepared, and the time in the future when a coastal development permit may be processed for potential residential development at the Ridge Property include, but is not necessarily limited to, burrowing owl habitat and southern tarplant habitat. Both of these habitats are known to exist in the immediate site vicinity and both are known to shift with time. Other sensitive habitats could develop at the site as well. Thus, it is important to identify the requirement for submittal of a valid Biological Assessment of the site at such time as a future coastal development permit is processed to evaluate the habitat status of the Ridge Property at that time. In addition, due to the proximity of the two sites and the fact that residential development at the Ridge site is specifically linked to the Goodell Property, a Biological Assessment for the Goodell Property should also be prepared.

Sensitive habitat on Goodell Property in the future could require a buffer setback on the Ridge Property as necessary to assure the continuance of the habitat and that the habitat is not degraded. Moreover, because development of the Ridge Property is dependent upon preserving open space on the Goodell Property, it is critical to assure all habitat on the

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Goodell Property is sufficiently protected. Therefore, in addition to a Biological Assessment for the Ridge Property, a Biological Assessment for the Goodell Property should also be submitted at the time a coastal development permit is processed for the Ridge Property. Based upon the information contained in these Biological Assessments, the potential development footprint on the Ridge Property may need to be reduced accordingly as necessary to protect habitat. Based specific conditions at the time development may be proposed in the future on the Ridge Property, the development footprint may be reduced, the potential number of units may be reduced and/or they may be clustered in the smaller footprint as necessary to accommodate any habitat that is recognized on the site at the time a coastal development permit is processed.

For the reasons described above, modifications to the amendment as submitted are suggested that would:

- require that the land use designation on the Ridge Property remain Open Space – Parks until after an irrevocable offer to dedicate the Goodell Property in fee title is accepted;
- require that all area on the Ridge Property known at this time to be needed for habitat buffer area shall be land use designated Open Space – Conservation;
- require that the reduced habitat setbacks be allowed on the Ridge Property only with construction of a minimum six foot high masonry wall between the sensitive habitat and any future development on the Ridge Property;
- require that new Land Use Plan Figures be added to the Land Use Plan/Coastal Element reflecting the requirements above;
- require preparation and consideration of valid Biological Assessments for both the Ridge and Goodell Properties be submitted with the coastal development permit application for any future development on the Ridge Property;
- require that if the Biological Assessments reveal additional habitat on either the Ridge and/or the Goodell Properties, the residential development footprint on the Ridge Property will be modified as necessary to protect the habitats.

Therefore the Commission finds that only if modified as suggested can the proposed amendment be found to be consistent with Section 30240 of the Coastal Act regarding protection of sensitive habitat.

4. Public Access & Recreation

The proposed change to the land use plan map is reflected in Exhibit B, attached to City Council Resolution No. 2010-48, titled “*Extract of Figure C-6*” (See Exhibit 3). *Extract of Figure C-6* identifies the subject site as RL-7 (Residential Low Density – 7du/acre), and also shows a strip of land along the northern property boundary of the site that is land use designated Open Space - Parks. It was not clear, from the information contained in the amendment submittal, whether this strip of land falls within the five acre Ridge Property, or off site. The City has since clarified that the area in question is a 30 foot wide parcel owned by the City. The City has also indicated that it is its intent that this parcel be land use designated Open Space – Parks and used as a public access trail linking the informal trail on the Parkside Property with Bolsa Chica Street.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

However, the proposed Open Space-Parks (OS-P) designation shown at the northern property line does not extend all the way to the Los Patos Avenue/Bolsa Chica Street intersection. Rather it is separated from those public rights-of-way by a strip of land shown with a Residential Low Density land use designation. Thus, the proposed change to the land use plan map depicts the City owned, OS-P parcel, as being blocked from connecting to the public sidewalk, which would make the OS-P strip moot. Although this appears to have simply been an oversight in the amendment submittal, it is important to correct this error on the land use plan map in order to implement the important public access function City owned parcel is intended to serve. As proposed, the land use plan map would interfere with public trail access and so is inconsistent with the public access and recreation policies of the Coastal Act and therefore must be denied.

However, a modification is suggested to correct this error so that the entire 30 foot wide, City owner parcel immediately north of the Ridge Property, is land use designated Open Space – Parks for its entire length from the Parkside Property boundary to the public sidewalk along Bolsa Chica Street. Only if modified as suggested could the proposed amendment be found to be consistent with the public access and recreation policies of the Coastal Act including Section 30210.

**V. FINDINGS FOR DENIAL OF THE IMPLEMENTATION PLAN
AMENDMENT AS SUBMITTED**

A. Incorporation of Findings for Denial of the Land Use Plan Amendment as Submitted and Approval of the Land Use Plan Amendment if Modified

The findings for denial of the Land Use Plan amendment as submitted and approval if modified as suggested are incorporated as though fully set forth herein.

B. Implementation Plan Amendment Description

The Local Coastal Program (both Land Use Plan and Implementation Plan) amendment was submitted for Commission action pursuant to Huntington Beach City Council Resolution 2010-48. The City's certified Implementation Plan is comprised of the City's Zoning and Subdivision Ordinance (ZSO), the Zoning District Maps, and a number of Specific Plans. The proposed zone change is reflected in Zoning Map Amendment 08-007, attached as Exhibit D to City Council Resolution No. 2010-48. In addition, Zoning Text Amendment No. 09-008, attached as Exhibit C to City Council Resolution No. 2010-48, requests a change to Chapter 210 *Residential Development* of the ZSO. The City's submittal resolution and attachments are included herein as Exhibit 3.

The subject site is an approximately five acre site located southeast of the intersection of Los Patos Avenue and Bolsa Chica Road (See Exhibit 1), described in greater detail previously. The site is currently land use designated Open Space - Parks and zoned Residential Agriculture. The proposed amendment would change the land use designation to Residential Low Density – 7 dwelling units per acre (RL-7). The proposed

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

land use designation change is discussed earlier in this staff report and those findings have been incorporated herein by reference.

In addition to the proposed change to the zoning on the Ridge Property to RL-7, the proposed zoning map shows a strip of land running the length of the northern property line that, as proposed, would be retained as Residential Agriculture.

Changes proposed via Zoning Text Amendment No. 09-008 include a request to modify Chapter 210 *Residential Development* of the Zoning and Subdivision Ordinance (the certified Implementation Plan) by adding two new sections to existing sub-section 210.12 *Planned Unit Development Supplemental Standards and Provisions*.

The changes proposed to sub-section 210.12 are (language proposed to be added by the City is shown below in ***bold italic*** text):

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments.

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements.

- A. Maps. A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions.
- B. Project Design.
 - a. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side.
 - b. A maximum of six units may be attached side by side and an offset front of the building a minimum of four (4) feet for every two units shall be provided.
 - c. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area.
 - d. ***The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development:***

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

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

C. Land Use Plan Consistency

1. Consistency with Land Use Designation

Ridge Property

The Ridge Property is currently zoned Residential Agriculture. Section 9100 General Provisions of Article 901 Residential Agriculture District (RA) states: “The residential agriculture district (RA) is intended to serve as a transition or holding zone for property with current agricultural activities and as a zone where restricted residential development is permitted. Section 9104 provides for the maximum density/intensity within the RA zone: “The maximum density shall not exceed one unit per acre. A maximum of five(5) units is permitted on any single parcel.” Thus, the currently certified zoning could allow up to five residential dwelling units on the Ridge Property. However, as noted earlier, the land use designation at the site is Open Space – Parks. Table C-1 of the certified Land Use Plan/Coastal Element (LUP) establishes the land use designation categories and their typically permitted uses. Uses permitted in the Open Space – Parks land use designation are: “Public parks and recreational facilities, which provide activities such as, but not limited to: picnic and observation areas, nature trails, peripheral bike paths, tot-lots, play fields informational signs and/or displays. Ancillary development may include buildings such as maintenance equipment storage, restrooms, nature centers, concession stands, and parking.”

Based on the uses allowed within the land use designation Open Space – Parks compared to the uses allowed in Residential Agriculture, the currently certified zoning at the Ridge Property is inconsistent with the site’s currently certified land use designation. Thus, as currently certified, the subject site’s land use designation and zoning are inconsistent. The proposed amendment would change both the land use designation and zoning to Residential. Thus, the amendment as proposed would create consistency between the proposed land use designation and the proposed zoning where none currently exists. However, the proposed Land Use Plan/Coastal Element amendment is suggested to be modified such that the land use designation would remain Open Space – Parks until such time as the Goodell Property is dedicated and accepted for passive public open space uses. Moreover, as proposed, no part of the Ridge Property would be zoned Open Space – Conservation as needed to protect sensitive habitat and significant cultural resources. Modifications suggested to the land use designation require that a portion of the subject site be land use designated Open Space – Conservation. The proposed Residential zoning

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

across the entire subject site cannot be found to be consistent with or adequate to carry out the land use designations as modified. Therefore, the Implementation Plan zoning amendment must be denied as submitted.

30 Foot Wide Parcel Along Northern Property Line

The proposed zone change is reflected in Zoning Map Amendment 08-007, attached as Exhibit C to City Council Resolution No. 2010-48 (See Exhibit 3). The proposed zoning map shows a strip of land immediately north of the subject site to be retained as Residential Agriculture. At the time the amendment request was submitted, it was unclear whether the 30 foot wide strip of land along the Ridge Property's northern property line was part of the Ridge Property or a separate parcel. Based upon information ultimately provided by the City, it has been demonstrated that this strip of land is a separate parcel from the Ridge Property and that it is owned by the City.

This same parcel of land is shown on the proposed land use plan map as Open Space - Parks. It seems likely that the proposed Residential Agriculture zone designation shown on the proposed zoning map is an error. Currently, the Ridge Property is the only property left in the City that is zoned Residential Agricultural. The City has indicated that, with the proposed amendment to change the zoning at the Ridge Property to residential, the Residential Agriculture zone will no longer apply to any property anywhere in the City. This supports the likelihood that it is not the City's intent to zone the parcel north of the Ridge site Residential Agriculture. Nevertheless, that is what the proposed zoning map reflects. More likely, it was the City's intent to zone this strip of land Open Space – Parks and Recreation, consistent with the proposed Land Use Plan Map (Extract of Figure C-6). However, there is no discussion in the LCP amendment submittal about either the land use designation or the zoning for this strip of land or about this parcel at all. The only zone change discussion submitted with the proposed amendment addresses the proposed zone change from Residential Agriculture to Residential. There is no discussion regarding retaining the existing zoning for this parcel or of re-zoning it Open Space – Parks and Recreation. Thus, we must rely on the zoning as it is reflected on the proposed zoning map.

The City has since clarified that it is its intent that this parcel be zoned Open Space – Parks and Recreation and that it be used as a public access trail linking the informal trail on the Parkside Property with Bolsa Chica Street. Although this appears to have simply been an oversight in the amendment submittal, it is important to clarify the correct zoning for this strip of land in order to implement the important public access function it is intended to serve. If this area were to be zoned Residential Agriculture, that could present a barrier to establishing and maintaining its intended public access use. The proposed amendment, as reflected in the proposed zoning map indicates that the 30 foot wide parcel north of the Goodell Property is proposed to be zoned Residential Agriculture. Thus, it is inconsistent with both the currently certified and the proposed land use designations of the subject site and therefore must be denied as submitted.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

2. Priority of Use

The City's certified Land Use Plan/Coastal Element (LUP) includes the following goals, objectives and policies:

Goal C3-Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective C 3.1-Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3-Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C 3.2-Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1-Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 1.1.3 of the certified Land Use Plan 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 policies cited above require that public recreational uses be provided and protected in the Coastal Zone. Policy C 1.1.3 identifies the priority afforded recreational uses over the lesser priority uses of residential, office or general commercial. Residential, office and general commercial uses are not considered priority uses within the coastal zone. Unlike typical coastal recreational uses such as hiking/walking, bird watching, nature study and enjoying the views that draw visitors because of their location in the coastal zone, the lesser priority uses would not typically draw or be a reason for people to visit the coastal zone. In addition, the lesser priority uses are not normally dependent on a coastal location and could function just as well elsewhere. As the population increases, greater demand is placed on those limited opportunities for coastal recreation that are available, making it all the more important to retain those areas identified to fill that need.

The existing zoning at the site, Residential Agriculture, does not provide high priority coastal recreational uses, and, moreover the RA zone is not consistent with the currently certified land use designation, Open Space – Parks. However, rather than eliminate the higher priority certified land use designation and then change the zoning to be consistent with that, the preferred option and the option consistent with the LUP policies

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

cited above, would be to retain the higher priority land use designation and change the zoning to be consistent with that. As described previously in the findings for denial of the Land Use Plan amendment as submitted, the proposed loss of the open space parks designation is not consistent with the priority of use and the public access and recreation policies of the Coastal Act. Likewise, changing the zoning at the subject to make it consistent with a lesser priority use rather than changing it to make it consistent with the currently certified land use designation cannot be found to be consistent with the priority of use and public access and recreation policies of the certified LUP. Also, as described previously, there are alternatives to re-zoning the entire site to the lower priority residential use. But none of these options have been evaluated. Moreover, no mitigating measures, such as retaining some portion of the site for recreational use or of providing an area of equivalent or greater value to offset the loss of land designated for the higher priority recreational use was considered as part of the amendment process. Therefore, it cannot be found that the proposed loss of land designated for higher priority recreational use is unavoidable. It is recognized that a zone change to create consistency between the land use designation and zoning at the site is appropriate. However, such a change must be consistent with the policies of the certified LUP, including the priority of use policies and the policies that promote public access and recreation. If modified as suggested, the land use designation at the Ridge Property will be Open Space – Parks and, only if and when certain requirements are met, Residential, and elsewhere on site, Open Space – Conservation. As proposed, the zone change will not be consistent with these modified land use designations. Thus, the proposed zone change will not be consistent with or adequate to carry out the land use designation as modified herein. Therefore, the Implementation Plan zoning amendment must be denied as submitted.

3. Biological Resources

The certified Land Use Plan includes the following goals, objectives, and policies regarding protection of wetlands and environmentally sensitive habitat areas (in pertinent part):

Goal C7 – Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is within the City's Sphere of Influence.

Objective C 7.1 – Regulate new development through design review and permit issuance to ensure consistency with Coastal Act requirements and minimize adverse impacts to identified environmentally sensitive habitats and wetland areas.

Policy C 7.1.2 – Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. ...

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Policy C 7.1.3 – Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Policy C 7.1.4 – Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland with the exception of the following: ...

Objective C 7.2 – Promote the improvement of the biological productivity and appearance of wetland and environmentally sensitive habitats.

As required by the Land Use Plan policies cited above, the certified LUP limits the amount and types of development that may occur within and adjacent to environmentally sensitive habitat areas (ESHAs). Environmentally sensitive area is defined in the certified LUP Glossary as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” With the ever rising pressure to develop in the southern California coastal zone, preservation of those ESHAs that remain becomes more critical. The ESHA policies of the certified LUP recognize the importance of preserving and protecting these significant resources.

The Ridge Property is located within close proximity to a significant amount of sensitive habitat including ESHAs and wetlands. Restored habitat will be located immediately adjacent to the subject site. Yet consideration of protection of these resources was not included in the proposed amendment. The proposed zone change would make the entire site Residential without considering whether setbacks from sensitive habitats necessary to protect those habitats would extend onto the Ridge Property. In fact, portions of the site will be immediately adjacent to restored coastal sage scrub (scrub/grasslands ecotone). Typically, required setbacks necessary to protect sensitive habitat are land use designated Open Space Conservation and zoned Coastal Conservation. This type of land use designation and zoning have been applied throughout the project vicinity, including at the immediately adjacent Parkside Property and at the nearby Brightwater Property. However, no such designation or zoning have been included in the proposed amendment. Consequently, the amendment cannot be found to be consistent with the certified LUP policies regarding habitat protection. Therefore the amendment must be denied as submitted.

**VI. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN
AMENDMENT IF MODIFIED AS SUGGESTED**

**A. Incorporation of Findings for Denial of the Land Use Plan Amendment as
Submitted & Approval if Modified and the Findings for Denial of the
Implementation Plan Amendment as Submitted.**

The findings for denial of the Land Use Plan amendment as submitted and the findings for approval if modified as suggested, as well as the findings for denial of the Implementation Plan amendment as submitted are hereby incorporated as though fully set forth herein.

B. Land Use Plan Consistency

1. Consistency with Land Use Designation

The subject site is currently zoned Residential Agriculture, which is inconsistent with the site's currently certified land use designation Open Space – Parks. The proposed amendment would change both the land use designation and zoning to Residential. If modified as suggested, the land use designation would remain Open Space – Parks until such time as the Goodell Property is dedicated and accepted for passive public open space uses. Thus, the zoning could not be found to be consistent with or adequate to carry out either the currently certified or the modified land use designation. Therefore, the Implementation Plan zoning amendment must be denied as submitted.

However, if the Residential Agriculture zone were modified to add Open Space – Parks uses to the list of allowable uses, then the zoning would be consistent with the currently certified land use designation Open Space - Parks and with the modified land use designation of Open Space Parks until the time the Goodell Property is secured for passive public open space use. The Ridge Property is the only property in the City that is zoned Residential Agriculture, therefore adding park uses within this zone would not interfere with other parcels for which park use might not be appropriate. As modified, the subject site must retain the Open Space – Parks land use designation unless and until the Goodell Property is secured for passive public open space uses, in order to be consistent with the policies and standards of both the Coastal Act and the City's certified Land Use Plan/Coastal Element (as is described in greater detail earlier). In the interim between the point at which the Goodell Property is secured, the zoning must be consistent with the certified land use designation. The subject site could be developed as a park. As described earlier, that option has not been demonstrated to be infeasible. Therefore, in order to make the subject site's zoning consistent with the land use designation of Open Space - Parks, open space parks uses must be added to the uses allowed in the Residential Agriculture zone. At such time as the Goodell Property is secured as provided in the LUP as modified, then the zone at the subject site may be changed to Residential. However, until that occurs, Open Space - Parks uses must be allowed in the certified zoning for the subject site. Thus, a modification is suggested to add open space parks

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

uses to the list of allowable uses in the Residential Agriculture zone. Only if modified as suggested can the proposed amendment be found to be consistent with and adequate to carry out the subject site's certified land use designation.

2. Priority of Use

As described previously, the certified Land Use Plan/Coastal Element contains policies (cited previously) that require that public recreational opportunities be provided and protected. Passive public open space provides such recreational opportunities. The certified LUP also places a higher priority on public open space uses than on private residential uses. The subject site is currently land use designated Open Space – Parks, which is a high priority use under the certified LUP. The loss of such a designation would mean that, although a park does not yet exist at the subject site, the potential to provide such a use would be lost, and for the reasons described previously, the proposed zone change to Residential cannot be found to be consistent with the certified LUP policies regarding provision and protection of public recreational opportunities. Changing the zoning of a site with a higher priority land use designation to be consistent with a proposed lower priority land use designation cannot be found to be consistent with these LUP policies.

However, if another site of equivalent or greater value were identified that would provide the use that would otherwise be lost at the subject site and that site were secured with certainty for the higher priority passive public open space use, then the zone change to support the lower priority use at the subject site could be found to be consistent with the policies of the certified land use plan regarding protection and provision of public recreational/open space uses. In this case, the adjacent Goodell Property provides a valuable location to establish a passive public open space use for the reasons described previously. Therefore, if specific procedures were identified and implemented as necessary to assure that the Goodell Property were secured for passive public open space, and only after the Goodell Property is secured, then the change in zoning to support the proposed change in land use designation could be found to provide and promote public recreational uses as required by the certified LUP. In addition, because the higher priority open space use would not be lost, the proposed zone change, under this scenario, could also be found to be consistent with the certified LUP policy regarding the priority of uses. In addition, there must be assurance that the subject site will remain available for potential public open space uses unless and until the Goodell Property is secured for open space uses. Thus, the zoning at the subject site must remain Residential Agriculture, as modified to allow public park uses, until the Goodell site is secured with certainty. Moreover, Chapter 210 *Residential Development* should also be modified to refer back to Subarea 4M which contains the procedures for assuring that the Goodell Property is secured before the land use designation and zoning can be changed on the Ridge Property. Subarea 4M is a suggested modification to be added to the certified Land Use Plan Table C-2 and describes the permitted uses, development requirements and restrictions that will apply to the Ridge Property. Therefore, the Commission finds, that only if modified as suggested can the proposed zone change be found to be consistent with the certified Land Use Plan/Coastal Element policies regarding the higher priority of

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

public open space uses over private residential uses and the LUP policies requiring that public recreational opportunities be protected and provided.

3. Biological Resources

The certified LUP contains policies and standards (cited previously) that require the protection of sensitive habitats including wetlands and environmentally sensitive habitat areas (ESHA). In addition, the certified LUP limits the amount and types of development that may occur within and adjacent to an environmentally sensitive habitat area (ESHA). The LUP policies also require that development in areas adjacent to ESHA be setback an appropriate distance as necessary to assure the continuance of the sensitive habitat.

A Biological Assessment was prepared for the subject site and no sensitive habitat was identified on the Ridge Property. A Biological Assessment was also prepared for the adjacent Goodell Property, and no sensitive habitat was found within 100 feet of the subject Ridge Property. However, the Ridge Property is located immediately adjacent to the area to be restored as required by the approved Habitat Management Plan for the Parkside Property (HMP, prepared by LSA and dated October 2013, See Exhibit 7). Coastal sage scrub habitat will be restored immediately adjacent to the southeast corner of the Ridge Property. The Commission typically imposes a setback from coastal sage scrub of between 50 to 100 feet, depending upon the specific circumstances of the habitat and the site. Areas with sensitive habitat and the necessary buffer area surrounding the habitat are typically zoned Coastal Conservation. For example, all of the area of the Parkside Property that contains ESHA or wetland and the all of the necessary buffer/setback area are designated Coastal Conservation. The Coastal Conservation zone is the zone most protective of sensitive resources.

The Commission's staff ecologist has reviewed the biological information for the Ridge, Goodell and Parkside Properties. In this particular case, based on the fact that the coastal sage scrub will be restored habitat rather than naturally occurring, and with construction of a minimum six foot high wall between any future Ridge Property development and the habitat, a setback on the Ridge Property from the coastal sage scrub (scrub/grasslands ecotone) on the Parkside Property of 20 feet would be acceptable and adequate to assure the continuance of the adjacent coastal sage scrub.

However, as proposed, the zoning on the entire subject site would be Residential. No portion of the site is proposed to be zoned Coastal Conservation to accommodate the 20 foot setback necessary to avoid disruption to and to assure the continuance of the adjacent coastal sage scrub habitat on the Parkside Property. Therefore, as proposed, the amendment is not consistent with or adequate to carry out the policies of the certified LUP regarding protection of sensitive habitat. However, if the amendment were modified as suggested to incorporate a 20 foot setback from coastal sage scrub (including the scrub/grasslands ecotone shown on the Parkside HMP) on the Parkside Property, and that setback area is zoned Coastal Conservation, then protection of the sensitive coastal sage scrub habitat would be assured. A modification is suggested that requires that this habitat setback be depicted on the proposed zoning map for the Ridge Property.

Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

Therefore, only if modified as suggested, can the proposed Implementation Plan amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan/Coastal Element regarding protection of sensitive habitats.

In addition to zoning the area of the Ridge Property necessary for setback/buffer area to protect sensitive habitat Coastal Conservation, a cross reference to the site's development requirements and restrictions contained in Subarea 4M of the certified Land Use Plan/Coastal Element should be added to Chapter 216 *Coastal Conservation*. The cross reference would assure that the site specific requirements and restriction that will apply to the Ridge Property are implemented. These requirements and restrictions include the procedure regarding the requirement that an offer to dedicate the Goodell Property for passive public open space use must be accepted prior to any potential future residential development on the Ridge Property, and the requirements related to the conditional land use designation and zoning for the subject site.

Therefore, the Commission finds that only if modified as suggested will the proposed Implementation Plan/zoning amendment be consistent with and adequate to carry out the habitat protection policies of the certified Land Use Plan.

VII. California Environmental Quality Act

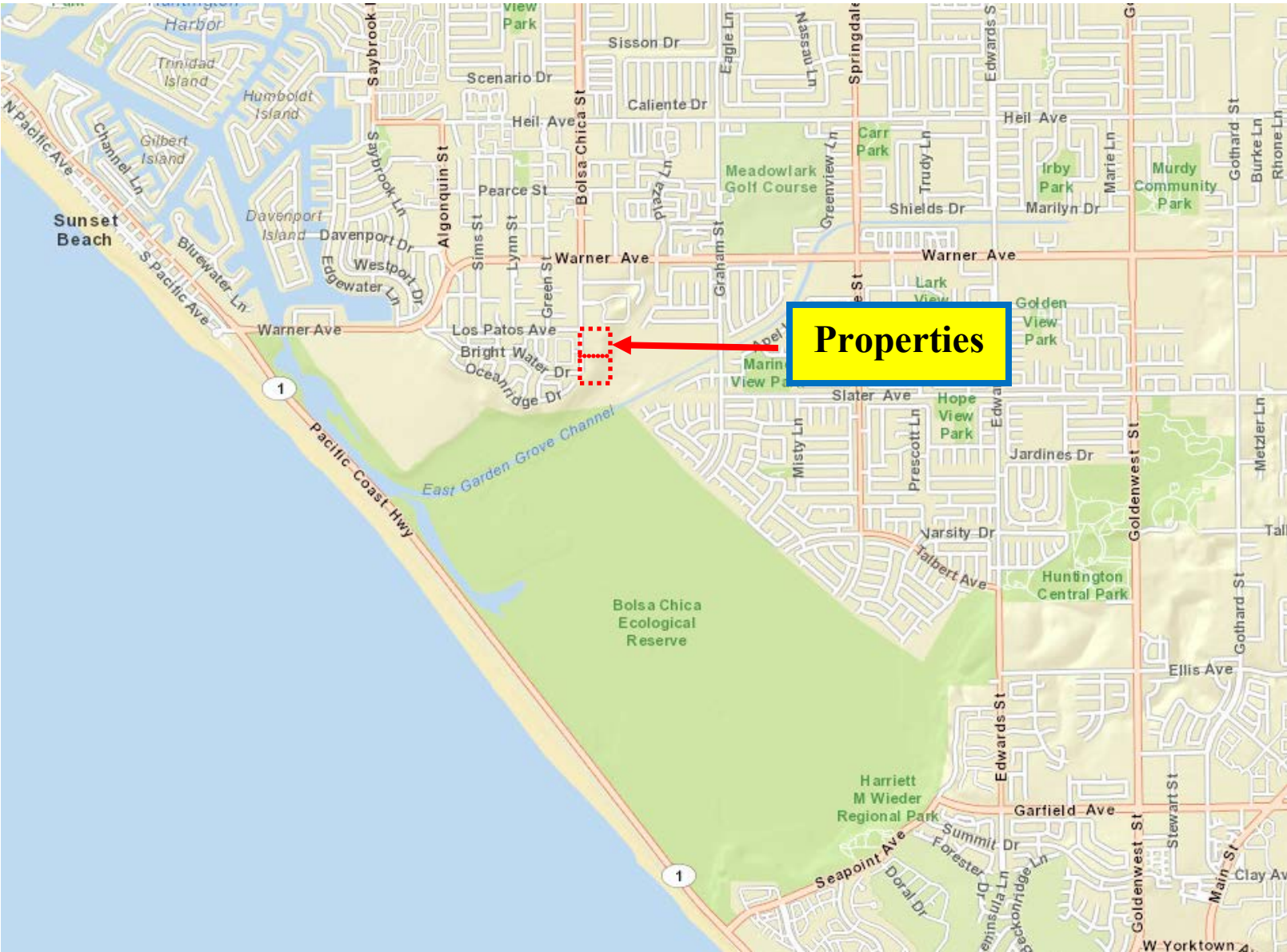
Section 21080.9 of the California Public Resources Code – a section of the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and 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, pursuant to Public Resources Code ("PRC") section 21080.5. Thus, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an IP or LCP submittal (or, as in this case, an IP or LCP amendment submittal) to find that the approval does conform with the provisions of CEQA, including the requirement in PRC section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative 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. §§ 13542(a), 13540(f), and 13555(b). The City of Huntington Beach LCP amendment 1-12 effects both the Land Use Plan and Implementation Plan (IP) portions of the LCP.

As outlined in this staff report, LUP amendment is not consistent with the public access and recreation, priority of use, cultural resource protections and habitat protection policies of the Coastal Act; and the IP amendment is not in conformity with nor adequate to carry out the public access and recreation, priority of use, cultural resource protections and habitat protection policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will result in significant adverse environmental impacts under the meaning of CEQA. Feasible alternatives exist in that a site of

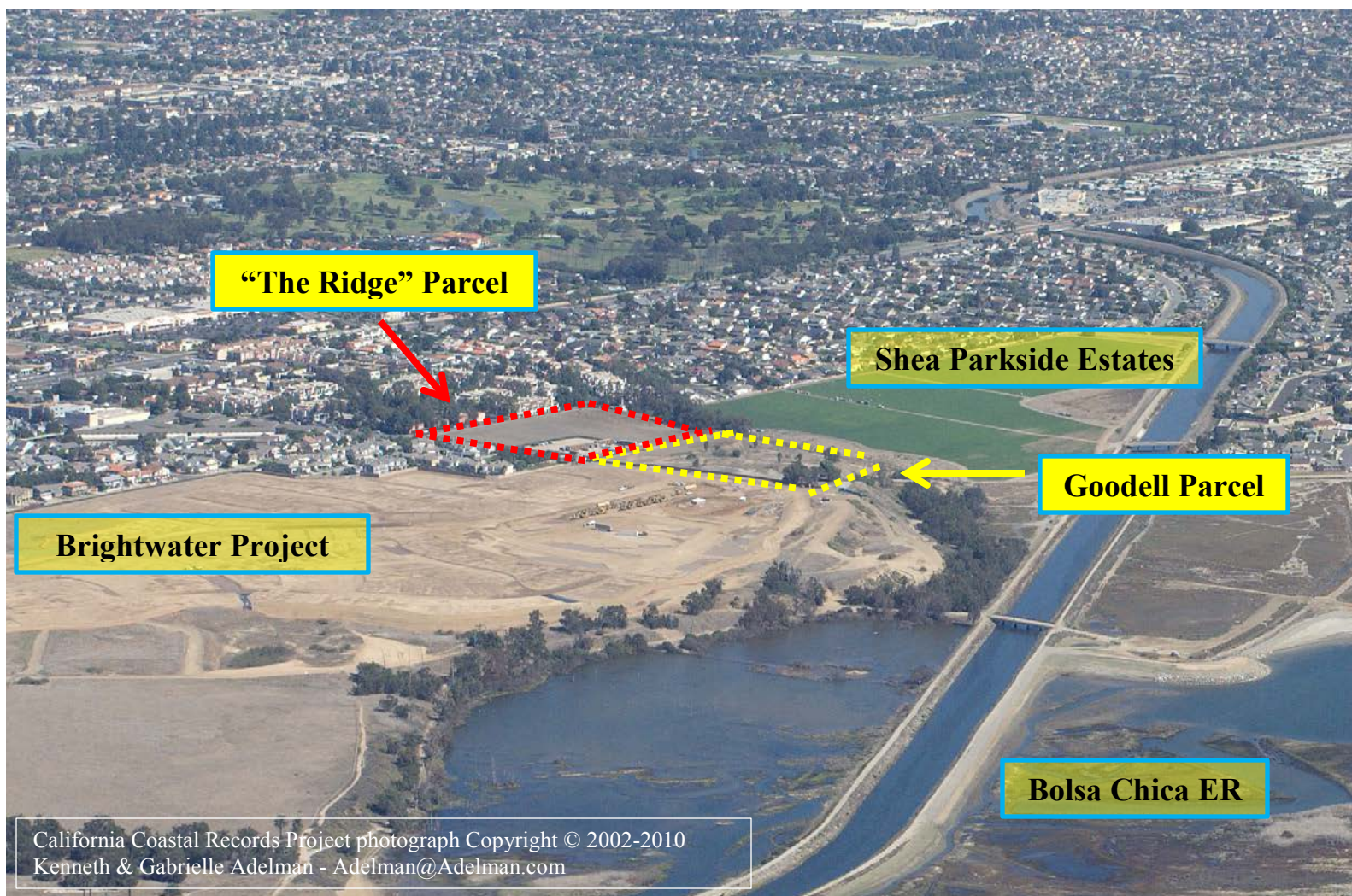
Huntington Beach Major Local Coastal Program Amendment No. 1-12
The Ridge

equivalent or greater value, the Goodell Property, could be restricted and secured for passive public open space uses to offset the proposed loss of the high priority Open Space – Parks land use designation on the subject site, appropriate setbacks necessary to protect habitat and cultural resources could be imposed, a requirement to carry out a Cultural Resources Protection Plan prior to grading, and the land use plan map and zoning map could be modified to reflect these requirements that would make the proposed LUP and IP amendments consistent with the Chapter 3 policies of the Coastal Act and the policies of the certified Land Use Plan (respectively). The currently certified Open Space – Parks land use designation is especially critical due to the limited supply and high demand for open space uses in the coastal zone. Therefore, the Commission finds that there are feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission finds that only if modified as suggested would the proposed LCP amendment avoid adverse environmental impacts under the meaning of CEQA.

HNB LCPA 1-12 Ridge SR 1.14 mv



Location of the Properties



Bolsa Chica Mesa Overview

AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 2010-48

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

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

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

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

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

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

1. That the real property that is the subject of this Resolution is generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue and consists of approximately five acres within the City of Huntington Beach (Exhibit A).
2. That the Local Coastal Program (Coastal Element) for the Subject Property is hereby changed to reflect a change in the land use designation for the subject property from Open Space – Parks (OS-P) to Residential Low Density – 7 dwelling units per acre (RL-7) (Exhibit B).
3. That the Huntington Beach Local Coastal Program Amendment No. 09-002 also consists of Zoning Text Amendment No. 09-008 and Zoning Map Amendment

HNBLCPA 3-12

Exhibit 3

No. 08-007, a copy of which is attached hereto as Exhibits C and D, and incorporated by this reference as though fully set forth herein.

4. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 09-002.
5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 09-002 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 6th day of July, 2010.

ATTEST:

Jean D. Flynn
City Clerk

REVIEWED AND APPROVED:

[Signature]
City Administrator

Cathy [Signature]
Mayor

INITIATED AND APPROVED:

[Signature]
Director of Planning and Building

APPROVED AS TO FORM:

[Signature]
City Attorney
1-27-10
MV-1-27-10

Exhibits:

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

EXHIBIT A

Exhibit A – Location Map

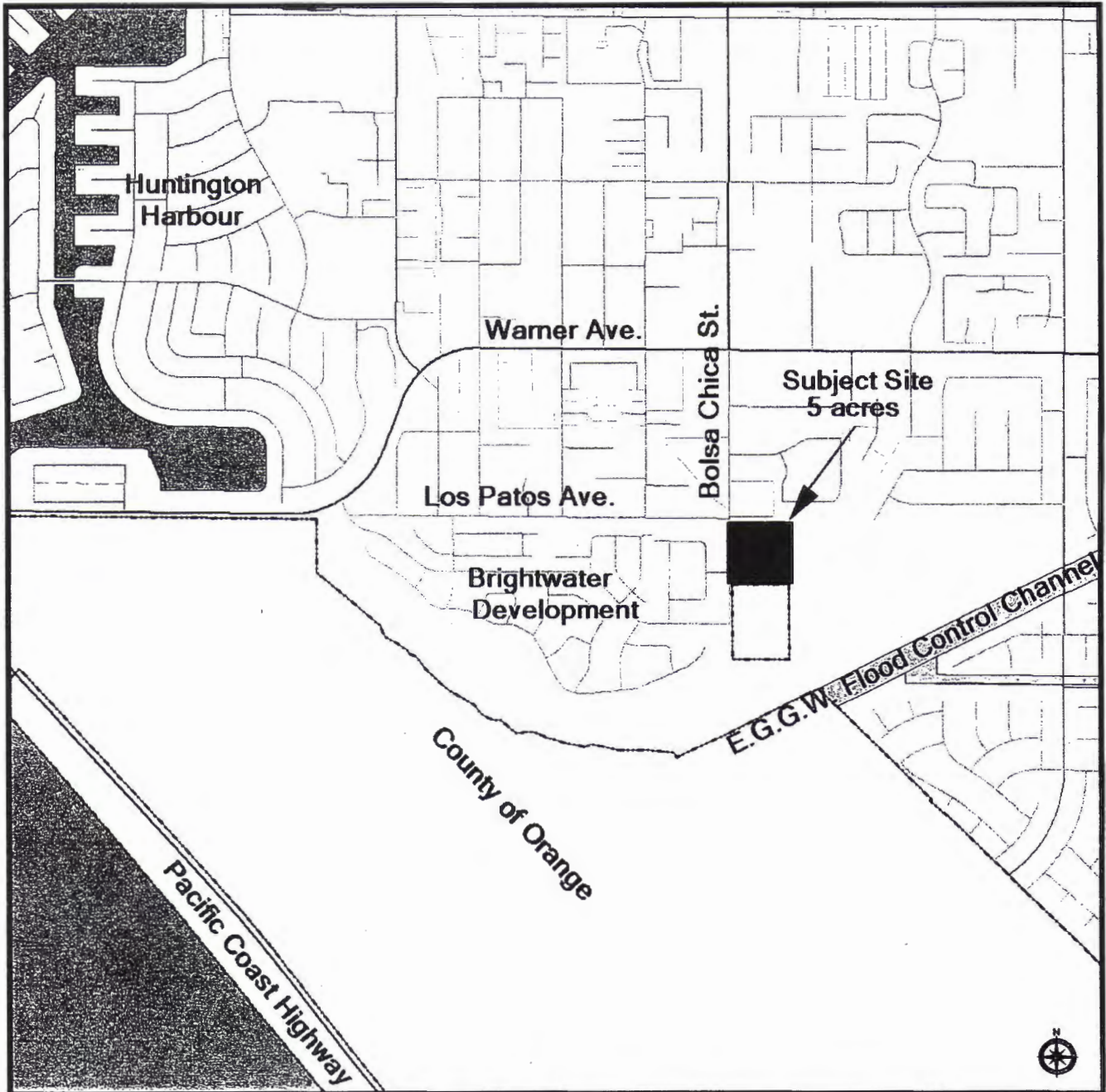
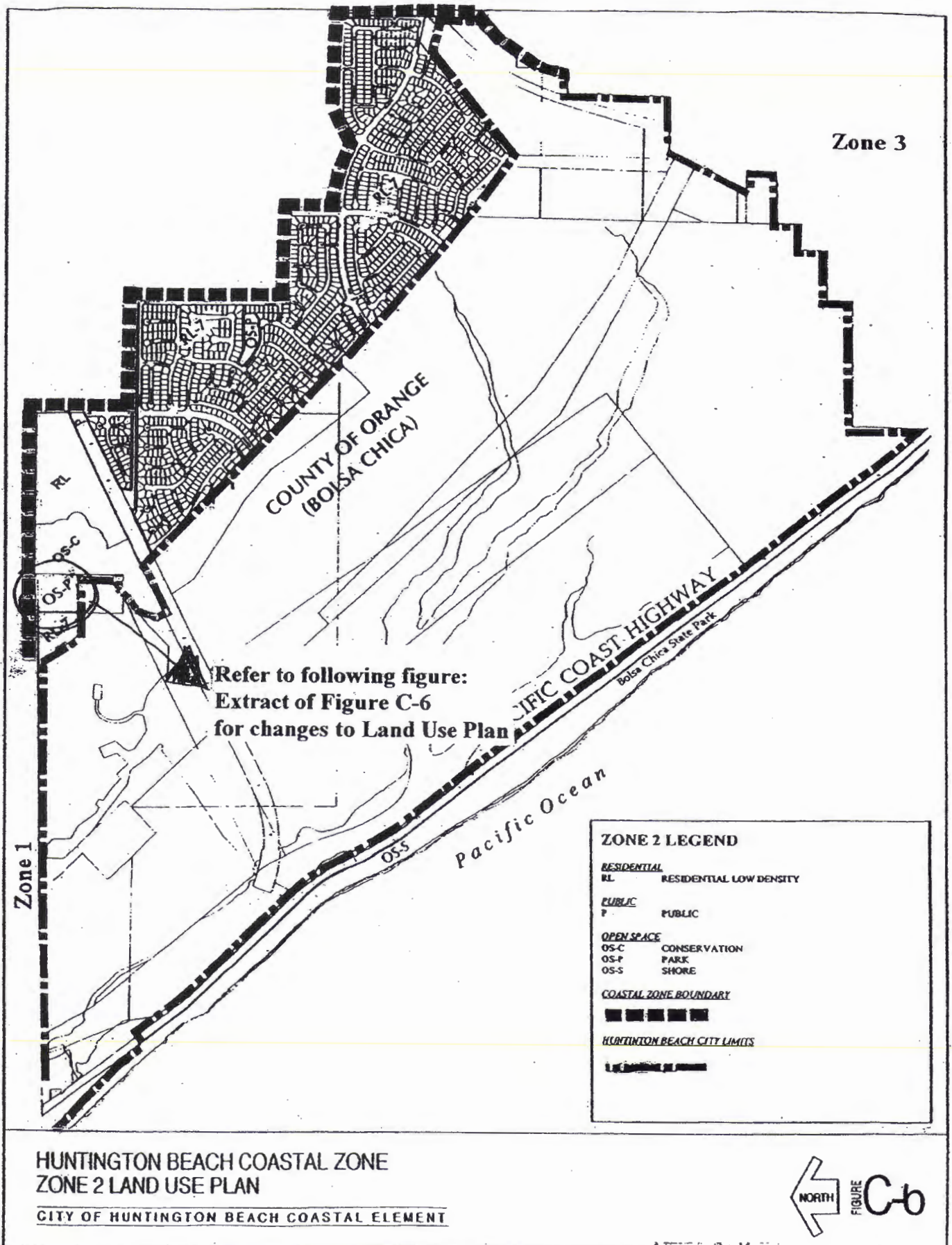


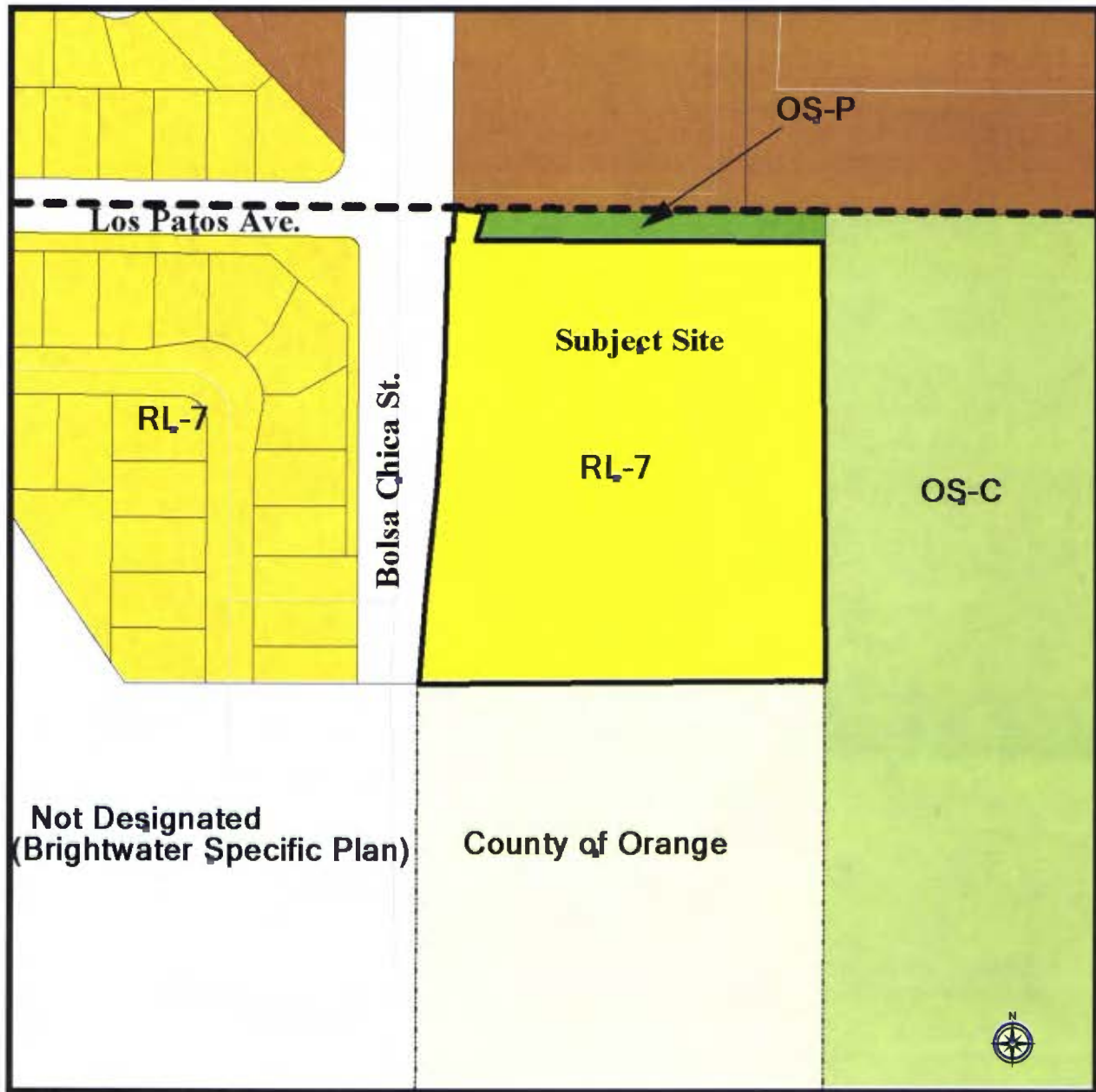
EXHIBIT B



AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

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



Legend

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

OS-P: Open Space – Parks

OS-C: Open Space – Conservation

----- Coastal Zone Boundary

7

EXHIBIT C

LEGISLATIVE DRAFT

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

210.10 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed. (3334-6/97, 3410-3/99)

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments. (3334-6/97)

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements.

- A. **Maps.** A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions. (3334-6/97)
- B. **Project Design.**
 - 1. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side. (3334-6/97)
 - 2. A maximum of six units may be attached side by side and an offset on the front of the building a minimum of four (4) feet for every two units shall be provided. (3334-6/97)
 - 3. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area. (3334-6/97)
 - 4. **The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development:**
 - a. **Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14.**
 - b. **Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required parking spaces is provided with the development site.**

LEGISLATIVE DRAFT

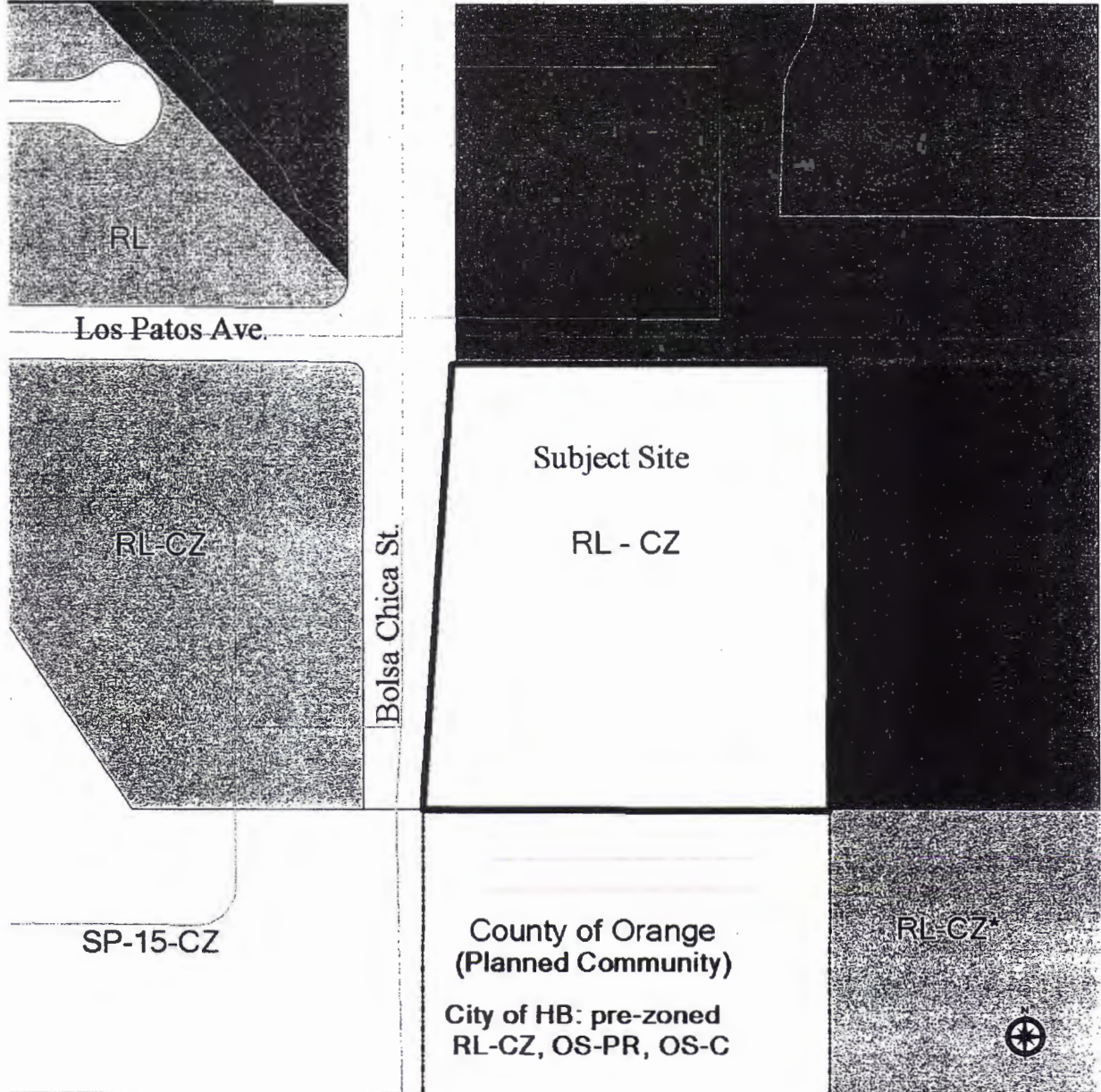
Property Development Standards for Residential Districts

	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Width (ft.)	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Cul de sac frontage	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks							(D)(R)	(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(E)(F)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(G)(I)(J)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(H)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(I)(J)	
Accessory Structure							(U)	(3334-6/97, 3410-3/99)
Garage							(K)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(L)(R)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)								
Dwellings	35	35	35	35	35	20	(M)	(3334-6/97, 3410-3/99)
Accessory Structures	15	15	15	15	15	15	(M)(R)	(3410-3/99)
Maximum Floor Area Ratio (FAR)	-	-	1.0	-	-	-		(3334-6/97, 3410-3/99)
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(3334-6/97, 3410-3/99)
Maximum Lot Coverage (%)	50	50	50	50	50	75	(V)	(3334-6/97, 3410-3/99)
Minimum Floor Area							(N)	(3334-6/97, 3410-3/99)
Minimum Usable Open Space							(O)	
Courts							(P)	(3334-6/97, 3410-3/99)
Accessibility within Dwellings							(Q)	(3410-3/99)
Waterfront Lots							(R)	(3334-6/97, 3410-3/99)
Landscaping			See Chapter 232				(S)	(3334-6/97, 3410-3/99)
Fences and Walls			See Section 230.88					
Lighting							(T)	(3334-6/97, 3410-3/99)
Underground Utilities			See Chapter 17.64					
Screening of Mechanical Equipment			See Section 230.76					
Refuse Storage Areas			See Section 230.78					(3410-3/99)
Antenna			See Section 230.80					(3410-3/99)
Performance Standards			See Section 230.82					
Off-Street Parking and Loading			See Chapter 231 & Section 210.12					
Signs			See Chapter 233					
Nonconforming Structures			See Chapter 236					
Accessory Structures			See Chapter 230.08					(3706-6/05)

* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
 Lots greater than 50 feet in width = 1 unit per 1,900 square feet
 N/A = Not applicable

EXHIBIT D

Amended Zoning Map



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

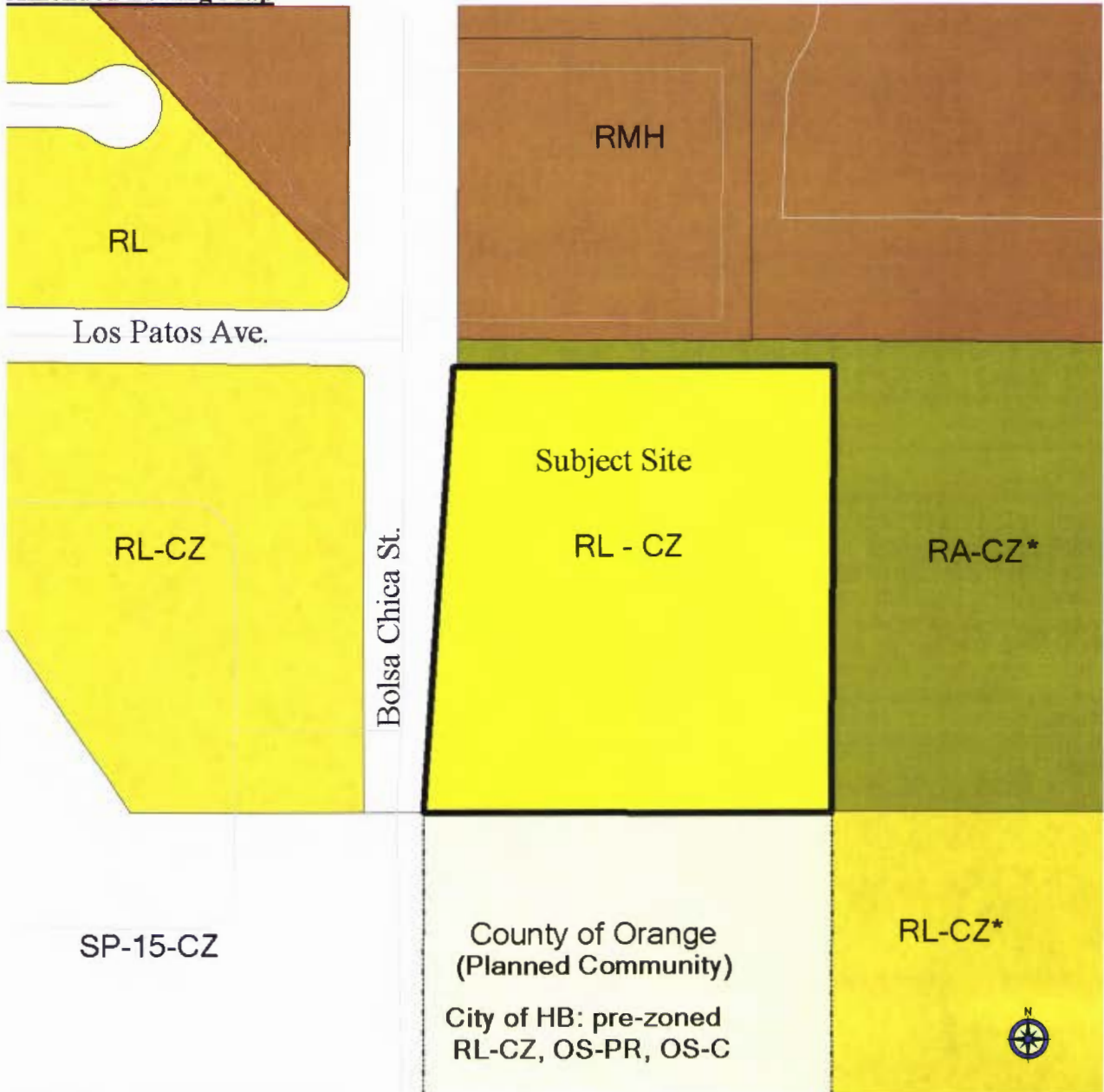
Legend

RL – Residential Low Density
RA – Residential Agricultural
RMH – Residential Medium High Density
SP15 – Specific Plan 15 (Brightwater)
OS-PR – Open Space –Parks & Recreation
OS-C – Open Space - Conservation
CC – Coastal Conservation
CZ – Coastal Zone Overlay

AUG 17 2010

CALIFORNIA
COASTAL COMMISSION

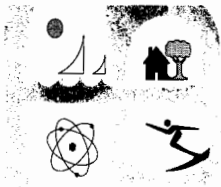
Amended Zoning Map



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

Legend

RL – Residential Low Density
RA – Residential Agricultural
RMH – Residential Medium High Density
SP15 – Specific Plan 15 (Brightwater)
OS-PR – Open Space –Parks & Recreation
OS-C – Open Space - Conservation
CC – Coastal Conservation
CZ – Coastal Zone Overlay



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

RECEIVED

South Coast Region

November 23, 2010

NOV 30 2010

Meg Vaughn, Analyst
South Coast Area Office
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

SUBJECT: Huntington Beach Local Coastal Program Amendment No. 09-002 – “The Ridge” – (Coastal Commission Amendment No. HNB-MAJ-3-10)

Dear Ms. Vaughn:

Thank you for your review and comments to the City of Huntington Beach’s submittal of the above named LCPA. This letter is in response to comments received from you in a letter dated August 31, 2010. We have addressed all of your comments and the additional information that you requested is provided within the responses or as attachments to this letter. In addition, a more legible word version of the archeological abstract will be provided to Coastal staff by the project applicant. For ease of reference, your comments are included in bold-faced and italicized font with the City’s response directly below.

Alternatives Analysis

Consider retaining the existing land use designation and matching the zoning to that land use designation by zoning the site Open Space - Parks and Recreation (OSPR).

This alternative was analyzed by City staff and presented to the City Council for its consideration during its deliberations on the project. This alternative was not adopted by the City Council based on the analysis in the staff report which states in part - “Although the project site is designated Open Space – Park, the site is not currently used for a public park or public open space area. In addition, the property is not included in the City’s inventory of parks and the City’s Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the city, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment would not result in a loss of existing park space, passive public open space or a planned future park and recreational opportunity.”

Exhibit 4

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

Consider matching the land use designation to the certified zone designation Residential Agriculture (RA). The Residential Agriculture zone would allow up to five residences on the subject with continued agriculture use. The corresponding land use designation may be a form of the Mixed Use land use designation.

City staff considered this alternative, but there is no land use designation in the City’s General Plan that matches the Residential Agricultural (RA) zoning. In the City’s General Plan a Mixed Use designation permits the development of residential uses in conjunction with underlying commercial designation, but this land use designation would not further the RA zoning objectives. In addition, the Ridge parcel is one of the few remaining parcels in the City to carry the Residential Agriculture designation and that designation was eliminated from the zoning code in 1995 and the City did not want to perpetuate a zoning designation that was no longer part of its Zoning Code nor used elsewhere in the City. The intent of the RA zone was to provide a transition or holding zone for properties with current agricultural uses. Since the Ridge property is no longer used for agricultural purposes the City determined that the RA zoning was no longer the appropriate zoning.

Consider designating and zoning a portion of the site nearest the adjacent environmentally sensitive habitat area Open Space Conservation (OS-C) and Coastal Conservation (CC) and land use designating and zoning a smaller portion of the site as some type of developable designation and zoning (i.e. residential). Various densities should be considered for the developable area (i.e. reduce the amount of land area made available for development, but increase the allowable density of development so there is no loss of allowable residential units compared with the proposed land use designation). Note: the proposed amendment is project driven, and the related project includes a proposal to subdivide the site.

With respect to the issue of designating the eastern portion of the property nearest the ESHA on the adjacent property as Open Space Conservation, City staff was prepared to recommend this alternative had the biological assessment conducted as part of the City’s environmental analysis concluded that the proposed project design would result in a significant impact to the ESHA. However, this was not the case. The biological assessment concluded that the project would not significantly impact the ESHA, therefore staff did not recommend this alternative. Furthermore, no other impacts to biological resources were deemed to be significant thus requiring mitigation in the form of designating additional open space within the project area.

It is not the City's practice to arbitrarily designate a portion of a project site as open space in the absence of a valid land use or environmental purpose for such a designation. In cases where there is sufficient evidence that either: 1) open space is required within a project area to mitigate a significant impact to a biological resource; or 2) open space is required within a project area to address a legitimate public need, such as a park, the City has acted appropriately to address these required needs. For example, the City recently adopted pre-zoning for the neighboring Goodell property that reflected the fact that a portion of the property was in the lowland (pre-zoned Coastal Conservation), another portion of the property provided the opportunity for a view park overlooking the lowlands as well as a buffer from ESHA on adjacent property (pre-zoned Open Space – Park) and the remainder was suitable for residential uses (pre-zoned RL).

Consider retaining existing land use designation and zoning as is.

Since the existing General Plan designation is Open Space – Park and the zoning is Residential Agriculture – a designation that no longer exists in the City's zoning code – the General Plan and zoning for the property are inconsistent and therefore contrary to State law which requires consistency between the City's General Plan and zoning. The City did not believe that perpetuating this land use inconsistency or continuing the use of a zoning category that is no longer used in the City was a viable alternative as it was considered legally infeasible.

The Alternatives Analysis should include a history of use at the site. Each alternative considered must include an economic viability determination. Please see the enclosed information regarding preparation of economic viability determinations.

Aerial photo history indicates that the entire site was consistently used for agriculture for at least 52 years from 1928-1980. Most recently, the site was utilized for agriculture from 2001-2004. Agricultural use of the property ceased in 2004. Signal Companies, including Signal Landmark, has owned the property since the 1920s. The property was annexed into the City in 1970. At the time it was incorporated into the City, both the General Plan land use and Zoning Map designations designated the project site for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At that time, a large scale development that included approximately 3,000 residential units was being considered by the County for the adjacent Bolsa Chica property, including the mesa and lowland. In anticipation of the development on the County property, the City re-designated an area that included the project site to Open Space – Park on the City's Land Use Plan, which was certified by the Commission in 1982. In 1984, the City re-zoned the property to Residential Agricultural. The RA zoning designation was reflective of the existing agricultural use of the site and was determined, at that time, to be consistent with the Open Space – Park land use designation.

With respect to the economic viability determination, the landowner Signal Landmark has declined our request to provide the necessary information to conduct such a determination citing proprietary concerns. The City's environmental analysis consisted of a mitigated negative declaration (MND), for which an alternatives analysis is not required under the California Environmental Quality Act (CEQA). As a result of public comments received during the public review period for the City's MND, however, comments were received by the City concerning

alternatives, including retention of the existing land use designation, and addressed in the City's staff report. Pursuant to CEQA, when alternatives are required to be considered, the lead agency (such as the City) must consider the "feasibility" of the alternative. "Feasible" is defined to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." Because an alternatives analysis was not required, the feasibility of each alternative was not examined. Even if an alternatives analysis were prepared, however, economic feasibility would not be the sole focus of the analysis. For these reasons, the City did not conduct nor is it legally required to prepare an economic viability determination. If the Coastal Commission believes that it must consider the economic viability of alternatives in order to avoid the payment of just compensation for taking private property pursuant to Coastal Act Section 30010, the City believes that it would be the responsibility of the Coastal Commission to conduct that analysis.

Loss of Public Park Opportunity

Information included in the submittal indicates that the City does not intend to develop the subject site as a park. However, no information is provided on whether other entities might consider developing the site as a public park. What other entities (governmental or nonprofit) have been contacted regarding interest in retaining the site for public park use? Possible considerations to contact include the State of California, the County of Orange, local non-profit organizations such as the Bolsa Chica Land Trust, Amigos de Bolsa Chica, and Orange County Coastkeeper. Please submit written evidence of measures taken to ascertain interest of appropriate entities in potentially developing and managing the subject site as a public park consistent with the certified land use designation.

The subject site does not appear on the long range plans of either the State or the County of Orange as a public park or open space area. The State and the County are in the business of providing large-scale park and recreation opportunities and given the small size of this site, it would not meet the State or County criteria for a regional facility. As to the interest of non-profit organizations in purchasing the property, no action that the City has taken would preclude a non-profit from purchasing the property. There is no guarantee however that any of these organizations, if they were to purchase the property, would convert it to public park use.

Topographical Survey

Please submit a topographical survey of the subject site prepared by a licensed surveyor.

A topographical map is included as Attachment 1.

Parking

Are there any examples where private residential development has been allowed to provide required parking on street? Are there any examples of this located in the coastal zone? Are there any examples of this located between the sea and the first public road paralleling the sea? If so, please provide details on these examples.

The allowance for open parking spaces to be satisfied through on-street parking for the proposed development associated with the LCPA request is similar to existing Zoning Code allowances for single-family dwellings. Currently, an existing single-family dwelling (1994 or earlier) that

proposes to increase the number of bedrooms to five or more would be required to provide a two-car garage and three open parking spaces. Pursuant to the City's zoning code, one of the required open parking spaces can be met through the available on-street parking adjacent to the dwelling. The proposed project is consistent with this existing allowance that occurs throughout the City in single-family residential neighborhoods.

The subject site is located between the sea and the first public road paralleling the sea. In addition, the site is located within the trail network leading to the public trails of Bolsa Chica including trails through and along the adjacent Brightwater development to the west, as well as the anticipated public trail system associated within the adjacent Parkside development to the east. Please provide an explanation of how reducing the number of parking spaces required on site by allowing spaces to be provided on the public street would be consistent with maximizing public access.

It should be noted that only 10 units within the Ridge project will satisfy the City's requirement for open parking spaces by counting on-street parking out of a total of 23 new on-street parking spaces provided within the project. The project complies with coastal zone parking standards prohibiting privacy gates and parking controls and requiring provision of general on-street public parking. Because the proposed streets would be accessible to the public, all 23 on-street spaces would be accessible to the public as well. However, the project is providing a net of 13 new on-street public parking spaces that are not required to meet the per unit parking requirement as well, therefore ensuring public access is provided.

Peer Review Committee

Page 220 of the Request for City Council Action (meeting date 7/6/2010), under the heading Cultural Resources, in the first paragraph states: "The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission." Please identify the peer review list referenced.

The members of the Peer Review Team and their qualifications were submitted to the Coastal Commission pursuant to special conditions imposed on the coastal development permit approved for archaeological subsurface investigations on Bolsa Chica Mesa. The three original members included: Drs. William J. Wallace, Claude N. Warren and Prof. Franklin Fenenga. When members of the Team either passed away (Dr. Wallace and Prof. Fenenga) or became too ill to actively participate and monitor the ongoing archaeological work (Dr. Warren), the Team members in consultation with SRS selected replacement members and provided that information to the Coastal Commission. The current members of the Peer Review Team are: Dr. Hank Koerper, Dr. Roger Mason and Dr. Paul G. Chace.

Archaeological Resources

The archaeological resources at the subject site have been known variously as a separate archaeological site CA-ORA-86, as a part of ("lumped together with") CA-ORA-83, as Herring's Site E and as Standt Site A. As a result, it is difficult to ascertain the coastal development permit history for the archaeological research that has occurred on-site. As it is located within the City's certified LCP area, it may be that a coastal development permit(s) was issued by the City. Or it may be that it was included in past permits issued by the Coastal

Commission. Please submit the coastal development permit history for the subject site, including the archaeological work, but also for any other development that has occurred on the subject site. Also, if any coastal development permits were issued by the City, please affirm whether a Notice of Final Action was sent in conjunction with the City's approval.

Although archaeological excavations have taken place at CA-ORA-83 and CA-ORA-86 since the 1920s, a comprehensive and systematic series of archival research, surface surveys, test excavations and data recovery program, conducted pursuant to Coastal Development Permit 5-89-772, and amendments, was completed by SRS in 2002.

Pursuant to Coastal Development Permit 5-89-772, as amended (CDP) approved by the California Coastal Commission, the Commission required the permit applicant to establish a Peer Review Team to give guidance on the scope of archaeological work to be conducted pursuant to that permit. The Peer Review Team that was constituted reviewed the archaeological information regarding CA-ORA-83 and prepared a Memorandum of Agreement (MOA) which set forth the scope of work that should be followed by SRS for the Final Phase of investigations on this archaeological site. The MOA identified seven additional measures to mitigate potential impacts to cultural resources on CA-ORA-83. In accordance with the procedures set forth in the MOA, the work was undertaken between October 1999 and September 2002 at which point the required formal excavations at CA-ORA-83 were completed.

One of the required mitigation measures included a series of backhoe trenches and related hand-excavated units extending the full distance from the southern mesa edge where the major deposits associated with ORA-83 were located, north to Los Patos Avenue. The purpose of this work was to examine the underlying soils between the well-documented southeastern site, CA-ORA-83, the northernmost site, CA-ORA-86 and the "plowed field" that lay between the two sites and at various times had been included in the boundary of both sites. Over the history of investigations, three archaeological sites were often lumped together (ORA-83, ORA-86 and ORA-144) because prior investigations often delineated boundaries for these sites that overlapped among the three. An example of this overlap was the 1994 Draft EIR prepared by the County of Orange for the Bolsa Chica Local Coastal Program Project which described the situation as follows:

ORA 83/86/144

This site on Bolsa Chica Mesa was originally recorded as two separate sites along the edge of the bluff: ORA-83 to the south and ORA-86 to the north. Adding to the confusion, ORA-83 was later re-recorded and assigned the number ORA-144. ORA-83, -86, and -144 have separate histories of investigation and different levels of significance. However, Van Bueren et al. (1989) combined them based on the surface distribution of shell seen during surface survey. (County of Orange, Recirculated Draft EIR, Bolsa Chica Project Local Coastal Program at page 4.12-13 (1994).

The work was conducted simultaneously with archaeological mitigation for Hearthside Homes' development on the Sandover Project which was required as part of the conditions of approval

adopted by the City of Huntington Beach for that development. This work extended from 1999 to 2000 and included backhoe work, an auger program, surface shell and artifact collections, and hand excavation units on both sides of Bolsa Chica Road to examine this northernmost expression at CA-ORA-86. As a result of this work, cultural resources were identified on the area where The Ridge Project is proposed (on the east side of Bolsa Chica Road). Investigations were completed in the area of The Ridge Project in order to ascertain and delineate the boundaries of this site.

Please submit a copy of the topographical survey of the subject site showing the generally accepted boundary of CA-ORA-86 and the location of significant archaeological features (including, but not limited to, the prehistoric domestic pit feature) and the site boundaries/property lines. Please submit a copy of the topographical survey of the subject site showing the extent of all historic farming on the subject site.

A topographical survey of the subject site showing the generally accepted boundaries of CA-ORA-86 and the location of the single significant archaeological feature, the prehistoric pit feature, is included as Attachment 2. A historic aerial photographic series compiled by SRS indicates that from 1928 to 1980, the entire Ridge parcel was under agricultural production. Agricultural production was reinstituted on the site from 2001 to 2004.

Please forward any written comments received from effected Native Americans regarding the Archaeological Abstract.

Since all formal reviews of the report, "Archaeological Abstract, Archaeological Site CA-ORA-86, Herring's Site E", have been completed and appropriate changes made, this report has now been submitted for additional review by the Native American community including: the Gabrielino/Tongva Tribal Council [c/o Chief Anthony Morales] and the Juaneño Band of Mission Indians [c/o Chief David Belardes]; both currently designated Most Likely Descendants [MLDs] for Bolsa Chica archaeology by the Native American Heritage Commission [NAHC]. Comments from other Native American individuals and groups were included in the original LCPA submittal package as written comments to the Planning Commission and City Council staff reports or as verbal comments, which are summarized in the minutes of each respective meeting.

Many of the Figures included in the Archaeological Abstract are not legible. These include Figures 10, 11, 12, 19, 21, and 23. Please submit legible copies of these figures. Please submit a color copy of Figure 20: Results of 2001 SRS Archaeological Investigation.

A pdf-formatted report was submitted to the CCC for review; when a word document is converted to pdf format, the conversion process automatically increases the borders shrinking the text and accompanying graphics. A word document of the report to replace the pdf version will be forwarded from the project applicant for CCC and public review.

The Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E, dated May 2009 includes a statement in the first paragraph on page 4 under the Executive Summary that the subject site is "situated southwest of the intersection of Los Patos Avenue and Bolsa Chica Road." This occurs again on page 8, in the first sentence: "In 2001, the formal site location of

CA-ORA-86, Herring's Site E, west of Bolsa Chica Road along the bluff edge, was investigated." Most likely these references to the site being west of Bolsa Chica Road are typographical errors, but to be clear - please clarify the location of the site that was the subject of the referenced Archaeological Abstract.

The directional errors on pages 4 and 8 have been changed and now indicate that the subject parcel and associated site is situated "southeast of the intersection of Los Patos Avenue and Bolsa Chica Road" and "east of Bolsa Chica Road along the bluff edge". Please see these pages in the word document version, when forwarded.

Table 1 of the Archaeological Abstract (page 9) lists the Chronology of Investigations of CA-ORA-86: Herring's Site "E". Please confirm whether this list includes all known archaeological investigations carried out on the subject site.

Table 1 on page 9 was compiled from the in-house archives of Scientific Resource Surveys, Inc. All documents referenced in the Archaeological Abstract exist in those archives and were listed on Table 1. This is the most comprehensive listing of investigations for this site compiled to date. However, small projects, such as linear surveys for gas and water lines, occur all the time; or summaries for work on adjacent parcels, such as the Shea parcel or the Goodell parcel, may include casual references to CA-ORA-86. These may not be included because they are not formal evaluations of the subject site and subject parcel. All information pertinent for decision-making is certainly presented; all major reports and summaries of investigations are included in the list on Table 1.

Page 18, below the middle of the page, includes the statement: "Other disturbances to the site included residential building construction. The entire northern half(?) of the site was removed in 1973 (see Figure11) which prompted the investigators to state that by 1973 the site no longer existed (ARI 1973b:23)." It is my understanding that the condominiums immediately north of the subject site were constructed in the early 1980s. Please explain what 1973 residential construction this is referring to and how it affected archaeological resources on the subject site.

Construction occurred north of Los Patos on what may have been a northern extension of CA-ORA-83 in the 1970s as witnessed by SRS personnel and documented on historic aerial photographs. The site appears to have been essentially destroyed in this area prior to subsequent work, such as that required for the construction of the apartment complex that was developed on that parcel. Construction of the Cabo Del Mar condominiums north of Los Patos also occurred in the 1980s on the parcel situated immediately north and east of the apartment complex that was constructed in the 1970s.

On page 8 of the Abstract, the last paragraph discusses the fact that Herring's Site E has been the subject of 33 separate archaeological investigations. This section references "two site inspections after grading." Table 1 indicates that grading monitoring occurred in 1999. Please explain what was the purpose of the grading? Was it related to then proposed development? Was a coastal development permit approved for the grading?

Exhibit 4

The grading referenced on page 8 of the Archaeological Abstract was the final phase of archaeological work on the Sandover parcel. As discussed above, this work was conducted pursuant to CDP 5-89-772 as directed by the Peer Review Team MOA.

On page 12, under the heading "First Site Recordation (1964): Dixon and Eberhart," there is a reference to a World War II gun emplacement within the CA-ORA-86. Is this accurate? Although gun emplacements have been identified elsewhere on the mesa, there doesn't seem to be mention of a gun emplacement on CA-ORA-86 elsewhere in the Abstract.

Figure 7, on page 16 shows the intersection of Bolsa Chica Road and Slater Avenue. Although I realize that this is a map from a study done in the 1960's, but for clarity please explain whether Slater should have been Los Patos.

The last two comments from the CCC reference statements/labels in quotes/maps from historic documents. Previous authors have lumped and split CA-ORA-86 from the southern site, CA-ORA-83, and the site between the two labeled CA-ORA-144. The last two sites CA-ORA-83 and CA-ORA-144 contained World War II gun emplacements and related buildings; the subject parcel with site CA-ORA-86 did not contain any evidence of World War II activity. In addition, it appears that Los Patos is mistakenly labeled as "Slater" on the sketch map included on Figure 7, page 16, by that early investigator.

Biological Resources

A Eucalyptus environmentally sensitive habitat area (ESHA) as well as other sensitive habitat has been recognized immediately to the east of the subject site. A buffer distance from that ESHA ranging from a minimum of 297 feet to 650 feet from the edge of the buffer was applied on the eastern side of that ESHA area. Please submit comments from the biological consultant as to why a similar buffer distance would or would not be appropriate on the western side of the identified ESHA area.

The Biological Resources Assessment prepared by LSA dated March 2010 on page 10 under the heading Wildlife includes the following statement: "Common small mammal populations (Le., California ground squirrel and Botta's pocket gopher) occur within the study area, and therefore it is likely that there is at least occasional raptor foraging. However, within the study area, raptor activity is essentially limited to foraging from the air, as there are no structures or vegetation for perching or nesting within or adjacent to the ruderal study area." However, a prime factor in creating adequate buffer space on the east side of the ESHA area was to provide for continued raptor foraging (which often occurs from the sky) to support the raptor use of the ESHA. Thus, it appears the statement above would support applying a similar buffer area at the subject site as necessary to support the continuance of the adjacent ESHA area.

Furthermore, on page 12 of the Biological Assessment, under the sub-heading Direct Impacts to Special-Status Resources, the Assessment acknowledges that "some [special status species] have moderate to high potential or were observed within or adjacent to the study area." In addition, this section of the Biological Assessment states "Nearly all of the special-status species that occur or may occur in the study area primarily utilize urban development for

foraging and nesting (Le. Cooper's hawk, Allen's hummingbird), or the off-site eucalyptus ESHA or pickle weed salt marsh [emphasis added], both of which will be preserved and buffered from the proposed Parkside Estates residential development and attendant features." Again, because the subject site is recognized as being used for foraging, this appears support application of a similar buffer area on the west side (subject site side) of the ESHA as was applied to the east of the ESHA area in order to support and encourage continued and possibly expanded use of the ESHA area by these special status species.

Finally regarding appropriate buffer area, also on page 12 under the sub-heading Direct Impacts to Special-Status Resources, the Biological Assessment acknowledges the possibility, that while not identified during the LSA site surveys, there is the potential that direct impacts could occur to southern tarplant and/or burrowing owls that have the potential to establish prior to site development. Although a buffer area wouldn't be required for this reason (potential occurrence) alone, a buffer area applied to the subject site for the reasons described above could also result in the additional benefit of creating the potential for these special status species to develop a presence on site.

This comment requests additional analysis from the biologist who prepared the Biological Resources Assessment (BRA) regarding the need for additional Eucalyptus ESHA buffer area on the Ridge site. The comment further suggests that the buffer between the ESHA and the Ridge site should be similar to the effective buffer that is planned between the ESHA and the Parkside Estates project. The comment does not adequately recognize the derivation of the effective buffer on the Parkside Estates project, or the Coastal Commission's determination on the variable width buffer for the Brightwater project. In both cases, the ESHA buffer that was originally recommended by the Coastal Commission staff was 100 meters.

As noted in the staff letter regarding the Ridge LCP amendment, one of the primary purposes of such buffers is to provide foraging area. The effective buffer on the Parkside Estates side of the ESHA became much larger, on average, than the recommended 100 meters because the Coastal Commission deemed areas as wetland and former wetland that required re-creation and enhancement and their own buffers. In addition, other features of the Parkside Estates plan, such as the Natural Treatment System (for water quality), park land and preserved wetlands, were situated between the proposed Parkside Estates residential development and the ESHA. Thus the variable width buffer of 297 to 650 feet was not deemed necessary to protect ESHA resources, but instead, was considered adequate, with respect to the Parkside Estates project to address other project components and resources, not just to buffer the ESHA resources. No determination or consideration was made regarding the buffer on the west side of the northern Eucalyptus trees, except to require that this area be restored to native habitat.

The buffer that was approved by the Coastal Commission for the Brightwater project was a variable width buffer ranging from 150 to over 300 feet, which is comparable to the proposed variable width buffer for the Ridge of 150 to 260 feet.

The staff letter questions whether additional buffer area between the Ridge project and the Parkside Estates buffer should be required. As the Principal Biologist for the Ridge BRA, Art Homrighausen of LSA determined that no additional buffer was required for the following reasons:

- After more than 10 years of intensive scrutiny, there is still no evidence of nesting in the northern trees by raptor species that would merit a large buffer for the protection of such activity. The only raptor nesting in this area has been by the Coopers hawk, which has been removed from California's Bird Species of Special Concern list because of its propensity to adapt to the anthropogenic environment.
- Other raptor species that have utilized the northern portion of the ESHA have done so on an occasional basis, likely using the trees as temporary roosting and perching sites while foraging in the adjacent areas. The BRA acknowledges that some foraging on the Ridge property could occur, but this has never been documented by LSA observers or local residents with interest in the property.
- If a 100 meter buffer adjacent to all of the eucalyptus ESHA on the Parkside Estates property (not including the ends, which occur on property that is either already developed or preserved) had been designated per the staff recommendation, it would comprise approximately 26 acres. The amount of land already planned for open space preservation in this area is more than 27 acres, including over 23 acres on the Parkside Estates property, approximately 1 acre on the Brightwater property, and 3 acres on the Goodell property. Thus the available foraging area will exceed the original Staff recommendation. In addition, there are over 140 acres of additional preserved habitat associated with the Bolsa Chica Mesa and the rest of the ESHA to the west.
- The effective variable buffer distance between the eucalyptus ESHA and the Ridge project is comparable to that determined by the Commission for the Brightwater project.
- The ultimate composition of the currently planned buffer will be significantly superior to the existing conditions, with more varied and higher quality habitat, and planned trails and better controls on recreational activity.

The Biological Assessment states at the bottom of page 13 and top of page 14: "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area between the Ridge Project and identified important habitat in the Parkside Estates Project, ... " and "In addition, implementation of the approved land use plan and implementing policies will provide protection of preserved resources that does not now exist." This appears to imply that there are 23 acres of preserved open space between the subject site and adjacent ESHA area, which doesn't seem accurate. Please submit a map, drawn to scale, identifying the area described above (23 acre of habitat proposed for restoration and preservation to the east of the study area between the Ridge Project and the Parkside Estates Project) and the subject site. This also appears to imply that all burden for continuance of the ESHA was imposed on the adjacent property, which is not accurate. The subject site must be evaluated for the appropriate buffer distance from the adjacent ESHA area.

This comment refers to a statement in the BRA that implies there is 23 acres of preserved habitat between the Ridge project site and important habitat on the Parkside Estates project site. This is indeed a misstatement in the BRA. The intent was to point out that there will be 23 acres of enhanced and preserved open space between or adjacent to the Ridge and Parkside Estates

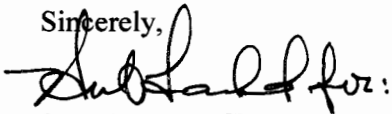
projects, which will enhance the value of the important habitat on the Parkside Estates site. Refer to the above responses for the additional requested analysis.

Appendix A Special Status Species Summary, attached to the Biological Assessment, on page A-3 states that burrowing owl "burrows are in the project area and vicinity". Does this mean there are burrowing owl burrows on the subject site?

This comment cites the reference to burrows on the project site, and asks whether this means there are burrowing owl burrows on the project site. The reference to observable burrows was to active ground squirrel burrows. These burrows were described in the BRA to provide full disclosure of the potential for burrowing owls to occur because burrowing owls often use former ground squirrel burrows to establish their own burrow locations. In this case, there is no evidence that this has occurred. In fact, there is substantial evidence that it has not occurred, given that burrowing owl surveys were conducted on the Ridge site in January 2010, when wintering burrowing owls were present elsewhere on the Bolsa Chica Mesa. It is possible, but not likely, that a burrowing owl could establish temporary use of an abandoned ground squirrel burrow on the Ridge site in the future, hence the recommendation for additional burrowing surveys prior to any site development.

If you would like to discuss any of the responses in more detail or require further information, please contact Jennifer Villaseñor, Associate Planner, at (714) 374-1661 or via email at jvillaseñor@surfcity-hb.org. We look forward to continue working with Coastal Commission staff in moving forward with the processing of the subject LCPA.

Sincerely,



Scott Hess, AICP
Director of Planning and Building

Enclosures

- Attachment No. 1: Topographical Map
- Attachment No. 2: Archeological Exhibit

xc: Theresa Henry, South Coast District Manager
Mary Beth Broeren, Planning Manager
Ed Mountford, Hearthside Homes
LCPA No. 09-002 file

CALIFORNIA COASTAL COMMISSION

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



Jennifer Villaseñor
Senior Planner
2000 Main Street
Huntington Beach, CA 92648

August 30, 2010

Re: Huntington Beach Local Coastal Program Amendment No. 3-10
The Ridge

Dear Ms. Villaseñor:

This office received several items representing the above-described request on August 17, 2010. However, pursuant to Section 13553 of the California Code of Regulations, the Executive Director has reviewed the transmittal and determined it to be incomplete. The Local Coastal Program (LCP) amendment submittal cannot be deemed complete until the following materials and information are received in the Commission's South Coast District office.

The proposed Local Coastal Program Amendment request affects an approximately 5-acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue. The amendment request would change the land use designation at the site from Open Space – Parks (OSP) to Residential Low Density – 7 units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Low Density - Coastal Zone Overlay (RL-CZ). In addition, the proposed LCPA amendment would make changes to the Implementation Plan (IP) portion of the certified IP's Zoning and Subdivision Ordinance Chapter 210.12 – PUD (Planned Unit Development) Standards and Provisions. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2010-48. The subject LCP amendment request is the third submittal this year and has been assigned the amendment number HNB-MAJ-3-10.

Additional information is necessary to complete the LCP amendment request submittal:

Alternatives Analysis

Please submit an Alternatives Analysis that identifies and analyzes alternatives to the amendment as proposed. The Alternative Analysis must include, but is not limited to, consideration of the following alternatives:

- Consider retaining the existing land use designation and matching the zoning to that land use designation by zoning the site Open Space – Parks and Recreation (OS-PR).
- Consider matching the land use designation to the certified zone designation Residential Agriculture (RA). The Residential Agriculture zone would allow up to five residences on the subject with continued agriculture use. The corresponding land use designation may be a form of the Mixed Use land use designation.

Exhibit 5

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 2

- Consider designating and zoning a portion of the site nearest the adjacent environmentally sensitive habitat area Open Space Conservation (OS-C) and Coastal Conservation (CC) and land use designating and zoning a smaller portion of the site as some type of developable designation and zoning (i.e. residential). Various densities should be considered for the developable area (i.e. reduce the amount of land area made available for development, but increase the allowable density of development so there is no loss of allowable residential units compared with the proposed land use designation). Note: the proposed amendment is project driven, and the related project includes a proposal to subdivide the site.
- Consider retaining existing land use designation and zoning as is.

The Alternatives Analysis should include a history of use at the site. Each alternative considered must include an economic viability determination. Please see the enclosed information regarding preparation of economic viability determinations.

Loss of Public Park Opportunity

Information included in the submittal indicates that the City does not intend to develop the subject site as a park. However, no information is provided on whether other entities might consider developing the site as a public park. What other entities (governmental or non-profit) have been contacted regarding interest in retaining the site for public park use? Possible considerations to contact include the State of California, the County of Orange, local non-profit organizations such as the Bolsa Chica Land Trust, Amigos de Bolsa Chica, and Orange County Coastkeeper. Please submit written evidence of measures taken to ascertain interest of appropriate entities in potentially developing and managing the subject site as a public park consistent with the certified land use designation.

Topographical Survey

Please submit a topographical survey of the subject site prepared by a licensed surveyor.

Parking

Are there any examples where private residential development has been allowed to provide required parking on street? Are there any examples of this located in the coastal zone? Are there any examples of this located between the sea and the first public road paralleling the sea? If so, please provide details on these examples.

The subject site is located between the sea and the first public road paralleling the sea. In addition, the site is located within the trail network leading to the public trails of Bolsa Chica including trails through and along the adjacent Brightwater development to the west, as well as the anticipated public trail system associated within the adjacent Parkside

Exhibit 5

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 3

development to the east. Please provide an explanation of how reducing the number of parking spaces required on site by allowing spaces to be provided on the public street would be consistent with maximizing public access.

Peer Review Committee

Page 220 of the Request for City Council Action (meeting date 7/6/2010), under the heading Cultural Resources, in the first paragraph states: "The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission." Please identify the peer review list referenced.

Archaeological Resources

The archaeological resources at the subject site have been known variously as a separate archaeological site CA-ORA-86, as a part of ("lumped together with") CA-ORA-83, as Herring's Site E and as Standt Site A. As a result, it is difficult to ascertain the coastal development permit history for the archaeological research that has occurred on-site. As it is located within the City's certified LCP area, it may be that a coastal development permit(s) was issued by the City. Or it may be that it was included in past permits issued by the Coastal Commission. Please submit the coastal development permit history for the subject site, including the archaeological work, but also for any other development that has occurred on the subject site. Also, if any coastal development permits were issued by the City, please affirm whether a Notice of Final Action was sent in conjunction with the City's approval.

Please submit a copy of the topographical survey of the subject site showing the generally accepted boundary of CA-ORA-86 and the location of significant archaeological features (including, but not limited to, the prehistoric domestic pit feature) and the site boundaries/property lines.

Please submit a copy of the topographical survey of the subject site showing the extent of all historic farming on the subject site.

Please forward any written comments received from effected Native Americans regarding the Archaeological Abstract.

Many of the Figures included in the Archaeological Abstract are not legible. These include Figures 10, 11, 12, 19, 21, and 23. Please submit legible copies of these figures. Please submit a color copy of Figure 20: Results of 2001 SRS Archaeological Investigation.

The Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E, dated May 2009 includes a statement in the first paragraph on page 4 under the Executive Summary that the subject site is "situated southwest of the intersection of Los Patos Avenue and Bolsa Chica Road." This occurs again on page 8, in the first sentence: "In 2001, the formal site location of CA-ORA-86, Herring's Site E, west of Bolsa Chica Road along the

Exhibit 5

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 4

bluff edge, was investigated." Most likely these references to the site being west of Bolsa Chica Road are typographical errors, but to be clear – please clarify the location of the site that was the subject of the referenced Archaeological Abstract.

Table 1 of the Archaeological Abstract (page 9) lists the Chronology of Investigations of CA-ORA-86: Herring's Site "E". Please confirm whether this list includes all known archaeological investigations carried out on the subject site.

Page 18, below the middle of the page, includes the statement: "Other disturbances to the site included residential building construction. The entire northern half(?) of the site was removed in 1973 (see Figure 11) which prompted the investigators to state that by 1973 the site no longer existed (ARI 1973b:23)." It is my understanding that the condominiums immediately north of the subject site were constructed in the early 1980s. Please explain what 1973 residential construction this is referring to and how it affected archaeological resources on the subject site.

On page 8 of the Abstract, the last paragraph discusses the fact that Herring's Site E has been the subject of 33 separate archaeological investigations. This section references "two site inspections after grading." Table 1 indicates that grading monitoring occurred in 1999. Please explain what was the purpose of the grading? Was it related to then-proposed development? Was a coastal development permit approved for the grading?

On page 12, under the heading "First Site Recordation (1964): Dixon and Eberhart," there is a reference to a World War II gun emplacement within the CA-ORA-86. Is this accurate? Although gun emplacements have been identified elsewhere on the mesa, there doesn't seem to be mention of a gun emplacement on CA-ORA-86 elsewhere in the Abstract.

Figure 7, on page 16 shows the intersection of Bolsa Chica Road and Slater Avenue. Although I realize that this is a map from a study done in the 1960's, but for clarity please explain whether Slater should have been Los Patos.

Biological Resources

A Eucalyptus environmentally sensitive habitat area (ESHA) as well as other sensitive habitat has been recognized immediately to the east of the subject site. A buffer distance from that ESHA ranging from a minimum of 297 feet to 650 feet from the edge of the buffer was applied on the eastern side of that ESHA area. Please submit comments from the biological consultant as to why a similar buffer distance would or would not be appropriate on the western side of the identified ESHA area.

The Biological Resources Assessment prepared by LSA dated March 2010 on page 10 under the heading Wildlife includes the following statement: "Common small mammal populations (i.e., California ground squirrel and Botta's pocket gopher) occur within the study area, and therefore it is likely that there is at least occasional raptor foraging.

Exhibit 5

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 5

However, within the study area, raptor activity is essentially limited to foraging from the air, as there are no structures or vegetation for perching or nesting within or adjacent to the ruderal study area." However, a prime factor in creating adequate buffer space on the east side of the ESHA area was to provide for continued raptor foraging (which often occurs from the sky) to support the raptor use of the ESHA. Thus, it appears the statement above would support applying a similar buffer area at the subject site as necessary to support the continuance of the adjacent ESHA area.

Furthermore, on page 12 of the Biological Assessment, under the sub-heading Direct Impacts to Special-Status Resources, the Assessment acknowledges that "some [special status species] have moderate to high potential or were observed within or adjacent to the study area." In addition, this section of the Biological Assessment states "Nearly all of the special-status species that occur or may occur in the study area primarily utilize urban development for foraging and nesting (i.e. Cooper's hawk, Allen's hummingbird), **or the off-site eucalyptus ESHA or pickleweed salt marsh** [emphasis added], both of which will be preserved and buffered from the proposed Parkside Estates residential development and attendant features." Again, because the subject site is recognized as being used for foraging, this appears support application of a similar buffer area on the west side (subject site side) of the ESHA as was applied to the east of the ESHA area in order to support and encourage continued and possibly expanded use of the ESHA area by these special status species.

Finally regarding appropriate buffer area, also on page 12 under the sub-heading Direct Impacts to Special-Status Resources, the Biological Assessment acknowledges the possibility, that while not identified during the LSA site surveys, there is the potential that direct impacts could occur to southern tarplant and/or burrowing owls that have the potential to establish prior to site development. Although a buffer area wouldn't be required for this reason (potential occurrence) alone, a buffer area applied to the subject site for the reasons described above could also result in the additional benefit of creating the potential for these special status species to develop a presence on site.

The Biological Assessment states at the bottom of page 13 and top of page 14: "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area between the Ridge Project and identified important habitat in the Parkside Estates Project, ..." and "In addition, implementation of the approved land use plan and implementing policies will provide protection of preserved resources that does not now exist." This appears to imply that there are 23 acres of preserved open space between the subject site and adjacent ESHA area, which doesn't seem accurate. Please submit a map, drawn to scale, identifying the area described above (23 acre of habitat proposed for restoration and preservation to the east of the study area between the Ridge Project and the Parkside Estates Project) and the subject site. This also appears to imply that all burden for continuance of the ESHA was imposed on the adjacent property, which is not accurate. The subject site must be evaluated for the appropriate buffer distance from the adjacent ESHA area.

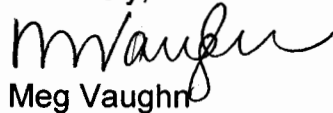
Exhibit 5

City of Huntington Beach
LCP Amendment Request No. 3-10
The Ridge
Page 6

Appendix A Special Status Species Summary, attached to the Biological Assessment, on page A-3 states that burrowing owl "burrows are in the project area and vicinity". Does this mean there are burrowing owl burrows on the subject site?

When we have received and reviewed the requested materials, and have determined that the LCP amendment submittal is complete, we will schedule a public hearing before the Commission. The amendment request affects both the Land Use and the Implementation Plan portions of the Local Coastal Program. The amendment request is considered a major amendment. Pursuant to Section 13554 of the California Code of Regulations, the Commission must act on a combined LUP and IP amendment within ninety days of the date the submittal is determined complete. However, with good cause, the Commission may extend the ninety-day deadline for up to one year. Please do not hesitate to contact me if you have any questions regarding this matter.

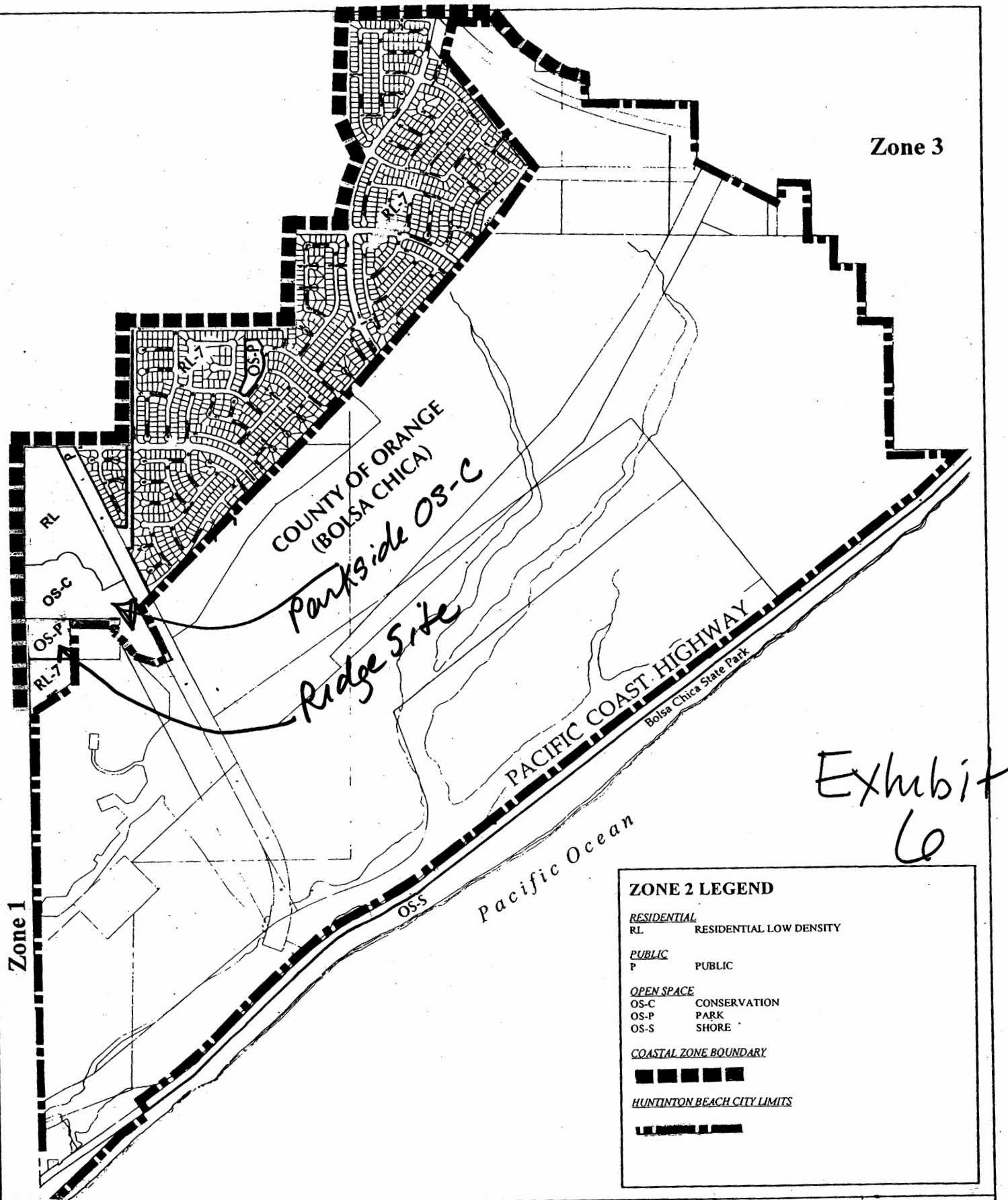
Sincerely,










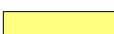


Meg Vaughn
Staff Analyst

HNB LCPA 3-10 Ridge inc ltr 8.30.10 mv

Exhibit 5



LEGEND

- | | | |
|---|--|-----------------------------|
|  | NORTHWESTERN/SOUTHERN GRASSLAND REVEGETATION (3.0 AC.) | |
|  | NORTHERN GRASSLAND REVEGETATION (1.5 AC.) | EXISTING EUCALYPTUS TREES |
|  | SOUTHEASTERN GRASSLAND REVEGETATION (2.4 AC.) | |
|  | VFPF CSS REVEGETATION (0.8 AC.) | SCRUB/GRASSLAND ECOTONE |
|  | SOUTHERN CSS REVEGETATION (1.4 AC.) | |
|  | EPA WETLAND CREATION (5.6 AC.) | |
|  | CP WETLAND RESTORATION (1.7 AC.) | |
|  | EXISTING CP WETLAND (1.0 AC.) | |
|  | SCRUB/GRASSLAND ECOTONE (1.4 AC.) | ARTIFICIAL BURROW LOCATIONS |
|  | ARTIFICIAL BURROW LOCATIONS | |

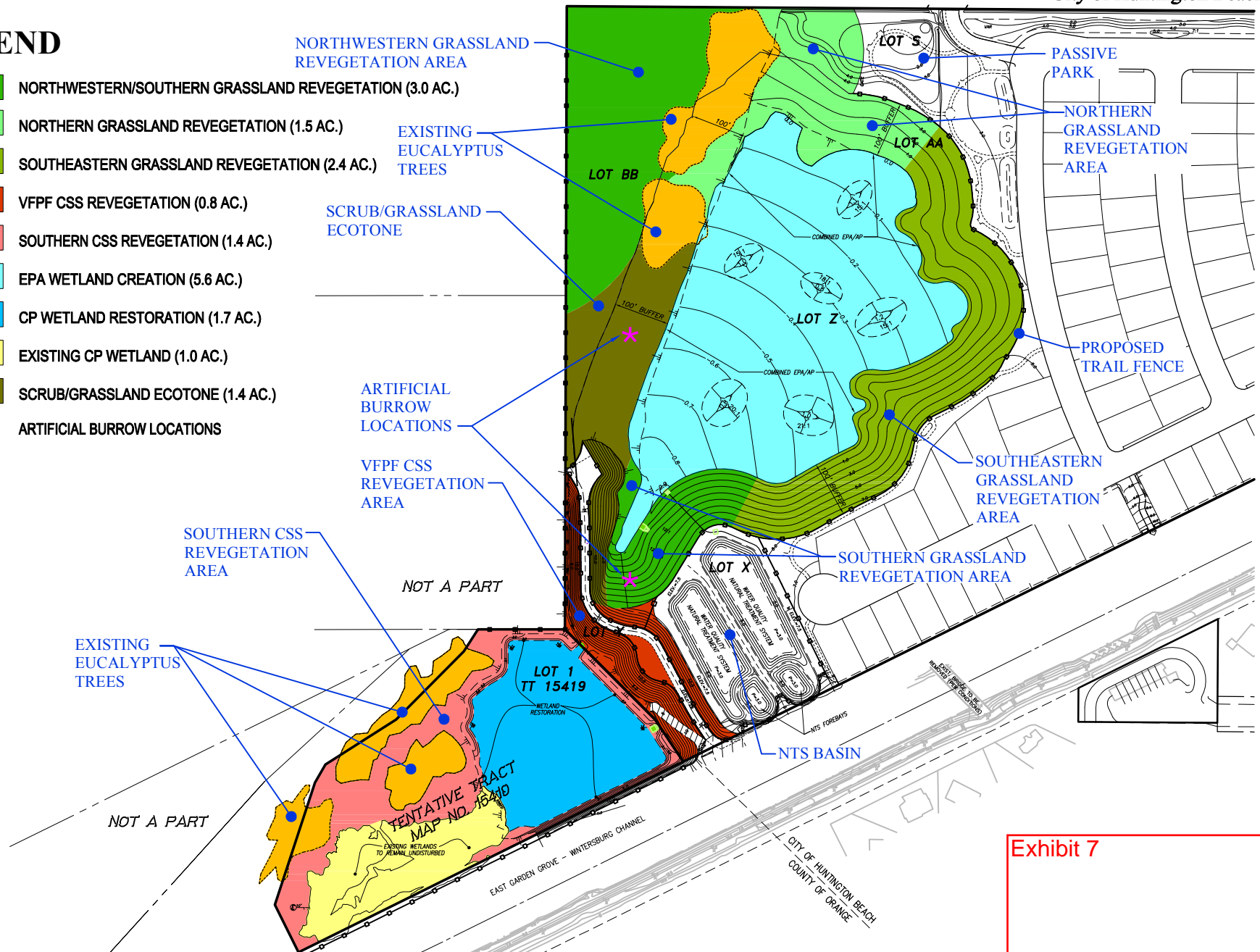


Exhibit 7

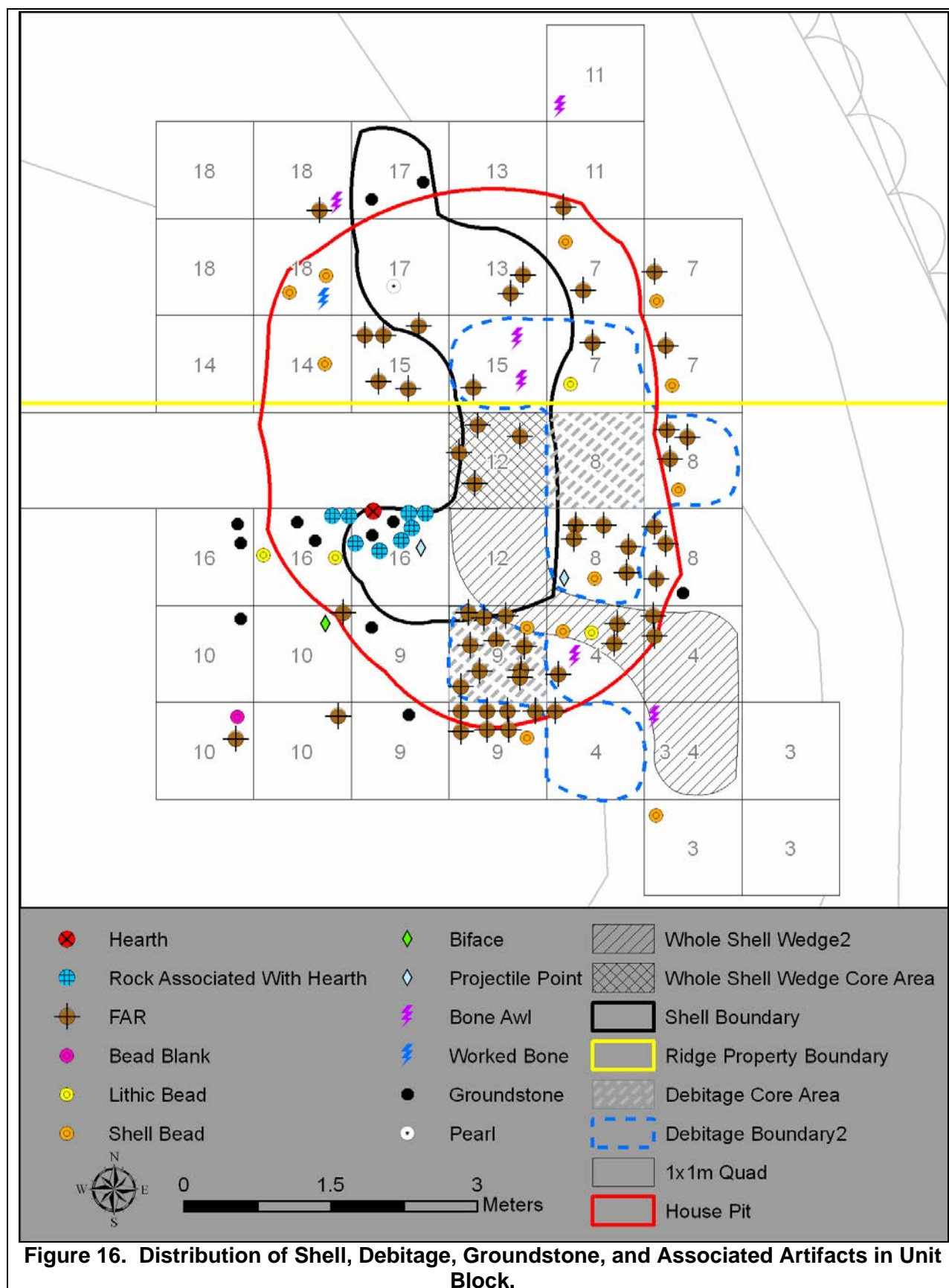


Exhibit 8

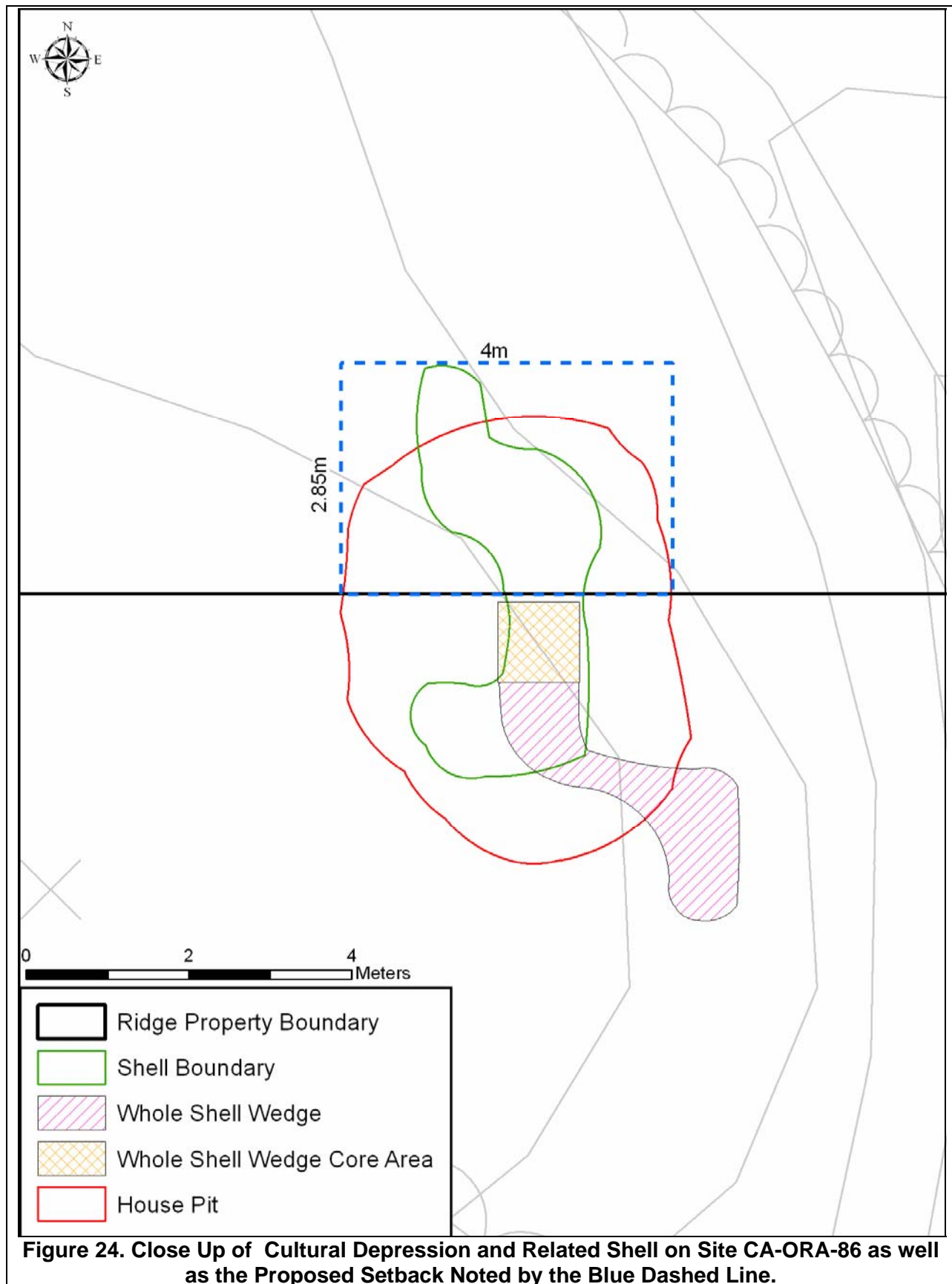


Exhibit 9