

CALIFORNIA COASTAL COMMISSION

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Staff: KFS-LB *K*
Staff Report: April 18, 2002
Hearing Date: May 7-10, 2002
Commission Action:

**STAFF REPORT: REVISED FINDINGS****APPLICATION NO.:** 5-01-288**RECORD PACKET COPY****APPLICANT:** Hellman Properties LLC**AGENT:** Dave Bartlett

PROJECT LOCATION: Northeast of Pacific Coast Highway (State Route 1), Southeast of the San Gabriel River, South of Adolfo Lopez Drive, West of Seal Beach Boulevard, and North of Marina Hill; City of Seal Beach; County of Orange

PROJECT DESCRIPTION: Construction of seventy (70) 3,577 to 4,210 square foot, 26 to 31 foot tall, single family residences; streets; curbs; walls; landscaping, hardscaping, utilities, entry features and other appurtenances within the subdivision previously approved under Coastal Development Permit 5-97-367 as amended by Coastal Development Permit Amendment 5-97-367-A1. In addition, dedication of a public access easement over Street A of Tentative Tract 15402 to provide public access to the new Gum Grove Park parking lot required under CDP 5-97-367.

DATE OF COMMISSION ACTION: November 13, 2001

COMMISSIONERS ON PREVAILING SIDE: Dettloff, Allgood, Lee, McCoy, Orr, Rose, Chairman Wan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's approval with special conditions of Coastal Development Permit 5-01-288. The proposed -and approved- project would construct houses, landscaping, and other appurtenances within the subdivision previously approved by the Commission under Coastal Development Permit 5-97-367, as amended. The proposed project raises issues related to the compatibility of the proposed development with the protection and continuance of the adjacent habitat areas. In addition, the project, as submitted, raised issues regarding public access into and through the residential subdivision. Discussion at the hearing on November 13, 2001, centered on the landscaping controls on the individual lots and the landscape buffer between the residential development and the adjacent park and lowlands wetlands restoration area; modifications to the entry of the subdivision for public access purposes; specification of public access to interior "pocket parks;" and the execution of an agreement regarding future re-evaluation and potential modification of the fencing and gates in order to facilitate and/or control public access through the residential subdivision to the lowlands. Each of these issues is discussed more specifically below.

With respect to landscaping, Commission staff had raised questions regarding the suitability of using non-native plants species anywhere within the project due to the proximity of the development to adjacent sensitive habitat areas and the potential for habitat degradation through the encroachment of invasive plant species. After some deliberation, Special Condition 4, regarding landscaping, was modified from staff's proposal to specify that native plant species must be used in all landscaping within the development, except for within individual residential lots. Within the residential lots, non-native, non-invasive plant species may be used. The special condition requires the applicant to prepare plant lists, for review and approval by the Executive Director, that identify the plant species that may and may not be used within landscaping for the development. Other changes to the special condition require the applicant to encourage homeowners to use efficient irrigation systems within the development. Such encouragement would involve, among other things, including a demonstration project in the model homes. Other changes to the special condition require that plantings provide 50% cover within 90 days and 90% cover within 180 days. The changes are reflected in parts 4.A.iii.a., 4.A.iii.f, and 4.A.iii.h of Special Condition 4. In addition, modifications to the findings are found within Section IV.C. on pages 20 to 21 and Section IV.F. on page 36. Also, the Commission adopted staff's recommendation regarding the requirement that one tree per ten feet of frontage must be planted within the various buffer zones with a clarification that there need not be a linear line of trees. The purpose of this requirement is to minimize visual impacts of the development upon nearby habitat and recreation areas. Findings outlining the clarification may be found in Section IV.D on page 24.

Deliberations also focused on the impacts that the proposed development would have upon public access. Coastal Development Permit 5-97-367, as amended, reserved public pedestrian and bicycle access into the residential subdivision. Once a person has entered the subdivision, there are three pocket parks. Clearly, by reserving public access into the subdivision, the Commission intended that any common areas, such as parks, intended for recreational or passive use be available for use by anyone entering the subdivision. If signage or gates were placed in front of these parks reserving them for use by a select group, public access would be adversely impacted. Therefore, Commission staff proposed Special Condition 6, in part, to prohibit the placement of gates or signage that would deter public access. Also, the proposed entry to the residential subdivision included gates and trellis structures which are psychological and physical deterrents to public access into the subdivision. Staff also proposed Special Condition 4, requiring the applicant to modify the entry plan to remove the trellis structures which give the impression that special permission is needed to enter the subdivision. The Commission followed staff's recommendation regarding these issues. In addition, discussion at the hearing focused on the physical features of the entry plan which could interfere with bicyclists entering the subdivision. Special Condition 4.A.iv.a was modified from the form in which staff proposed it to specify that curb cuts/ramps must be installed in the sidewalks to allow bicyclists to bypass the entry gates. Findings relating to the change may be found in Section IV.E.1 on page 27.

Comments at the hearing also focused on the future plans for environmental restoration of the lowlands and the role that the residential subdivision may play in deterring and/or controlling public access to the lowlands at that time. Fencing and gates which are part of the proposed project may need to be modified in order to facilitate public access to any public trails which may be a part of restoration of the lowlands. In addition, fencing and gates may need to be modified to control access in order to minimize the disturbance of sensitive habitats. Since there is currently no formal restoration plan for the lowlands, it is difficult to predict how and where public access to the lowlands should occur. However, clearly, once public pedestrians and bicyclists have entered the subdivision—a right which was reserved under Coastal Development Permit 5-97-367- they should

be allowed to pass through the residential subdivision into the lowlands if such access is appropriate when considering biological impacts. Modifications to staff's proposed version of Special Condition 6 were made to clarify the circumstances under which the gates may need to be modified and the manner in which they may need to be modified. Findings relating to the changes may be found in Section IV.E.1 on pages 28 to 30.

In addition, as reported to the Commission at the hearing, Commission staff agreed to make some changes to the requirements of: Special Condition 4 regarding fencing and domestic pets (findings on page 19) and the date by which landscaping on residential lots must be completed (findings on page 22); and Special Condition 7 relative to repair and maintenance activities which require a permit (findings on page 24).

In summary, the proposed project was approved subject to the following special conditions which require: 1) conformance with requirements previously imposed by the Commission under CDP 5-97-367, as amended, prior to issuance of the subject permit; 2) conformance with construction phase requirements to avoid impacts upon wetlands and adjacent sensitive habitat; 3) conformance with requirements related to the identification and siting of a construction staging area; 4) conformance with a requirement that the applicant revise the project to install fencing that minimize the uncontrolled entry of domestic animals into the lowlands, direct lighting away from sensitive habitat areas, install southern California native landscaping throughout the common areas of the development and allow only non-invasive vegetation on private residential lots, plant vegetation for visual screening and biological buffering, and revise the entry to facilitate public access; 5) conformance with requirements related to the appearance of the structures; 6) conformance with a requirement that the applicant agree to certain measures related to public access through the residential subdivision; 7) conformance with a requirement that the applicant execute and record a deed restriction regarding permit requirements for future development; 8) conformance with a requirement that the applicant submit final plans in substantial conformance with previous plans, as modified by these special conditions; and 9) conformance with a requirement that the applicant strictly conform with the project as modified by the special conditions above.

Finally, as noted on page 43, the applicant requested the Commission's approval of a development agreement. The Commission approved the development agreement, as submitted, at the November 2001 hearing.

LOCAL APPROVALS RECEIVED and SUBSTANTIVE FILE DOCUMENTS: See Appendices

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL OF FINDINGS

MOTION: *I move that the Commission adopt the revised findings in support of the Commission's action on November 13, 2001 concerning Coastal Development Permit 5-01-288*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the

members from the prevailing side present at the November 13, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for Coastal Development Permit 5-01-288 on the ground that the findings support the Commission's decision made on November 13, 2001 and accurately reflect the reasons for it.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **RELATIONSHIP OF THIS PERMIT TO COASTAL DEVELOPMENT PERMIT 5-97-367, AS AMENDED, AND TIMING OF PERMIT ISSUANCE**
 - A. All relevant requirements of Coastal Development Permit 5-97-367, as amended by Coastal Development Permit 5-97-367-A1, are hereby incorporated by reference. The permittee shall comply with all such requirements as they pertain to the subject development. Any modifications to the project required to comply with the special conditions imposed by Coastal Development Permit 5-97-367 may also require an amendment to this coastal development permit. Any amendments to Coastal Development Permit 5-97-367 may also require an amendment to this permit.
 - B. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, all 'prior to permit issuance' special conditions of Coastal Development Permit 5-97-367, as amended by Coastal Development Permit 5-97-367-A1, shall have been met and the

permit issued and accepted by the permittee.

- C. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall comply with all post-permit issuance requirements of Special Condition 17, 18.D., 19.C, and 19.D. of Coastal Development Permit 5-97-367, as amended by Coastal Development Permit Amendment 5-97-367-A1.
- D. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE RESIDENTIAL STRUCTURES AUTHORIZED UNDER THIS PERMIT, the bio-swale and water quality control basin required by Special Condition 23 of Coastal Development Permit 5-97-367, as amended, shall be in place and functional.
- E. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall comply with all post-permit issuance requirements to the following parts of Special Condition 8 of Coastal Development Permit 5-97-367, as amended by Coastal Development Permit Amendment 5-97-367-A1: WQ-1, WQ-2, WQ-4, WQ-5, WQ-7, WQ-9, WQ-10, GEO-1, GEO-2, GEO-3, GEO-4, GEO-6 through 6.4, and GEO-7. The permittee shall submit written evidence of compliance with the above identified requirements. Any changes to the project approved by this permit necessary to comply with the above requirements shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

2. **CONSTRUCTION RESPONSIBILITIES - STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS**

The permittee shall comply with the following construction-related requirements:

- (a). Wetlands and any other environmentally sensitive habitats shall not be impacted by the project. All plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitats shall be avoided and that no impact to wetlands or other environmentally sensitive habitat is authorized by the California Coastal Commission.
- (b). Prior to commencement of construction, a temporary barrier (such as but not limited to plastic mesh fencing) shall be placed between the construction areas and wetlands and environmentally sensitive habitats. The temporary barrier shall generally be located no more than 20 feet from the edge of VTTM 15402 between and including Lots 48 to 54 of VTTM 15402 and then continuing northerly along the boundary between the lowlands and the water quality bio-swale and basin. The alignment of the barrier shall be indicated on the plans required by Special Condition 3 of this permit. Barriers and other work area demarcations shall be inspected and approved by a qualified biologist. All temporary barriers, staking, fencing shall be removed upon completion of construction.
- (c). All areas disturbed and/or denuded by the project shall be restored with southern California native plants appropriate to the habitat type in accordance with the requirements of Special Condition 4 of this permit.

- (d). No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;
- (e). Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (f). Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (g). Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a legal disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

3. STAGING AREA FOR CONSTRUCTION

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands.
 - 1. The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
 - (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to wetlands or other sensitive habitat;
 - 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) limits of the staging area(s)
 - (2) construction corridor(s)
 - (3) construction site
 - (4) location of construction fencing and temporary job trailers with respect to existing wetlands
 - (5) Compliance with Special Condition 2.b. of this coastal development permit.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. REQUIRED REVISIONS AND RESTRICTIONS ON DEVELOPMENT

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit revised plans to the Executive Director for review and approval. As appropriate, all plans associated with the project (e.g. grading plans, technical site plan, wall and fence plans, entry plan, park plan, slope plan, construction details, landscape plans, etc.) shall be updated to incorporate the following revisions to the project:
- (i) **Perimeter Walls, Fencing, and Gates.** All walls, fencing and gates within VTTM 15402 facing upon Gum Grove Park or the lowlands shall be constructed of solid materials or be designed to satisfactorily deter the passage of domestic pets over or through the wall, fence, or gate and into Lot 3 of VTTM 15381 (i.e. Gum Grove Park) or Lot 1 of VTTM 15381 (i.e. the lowlands portion of the Hellman Ranch property). This requirement does not change the height of proposed walls, gates or fencing. Revised plans to be submitted to the Executive Director shall be accompanied by an analysis of the wall, fence and gate plan prepared by a qualified biologist which documents that the modified walls/fencing/gates will minimize the uncontrolled entry of domesticated animals into environmentally sensitive habitat including adjacent wetlands;
 - (ii) **Lighting.** No lighting associated with the project shall significantly impact adjacent upland or wetland habitat within Lot 3 of VTTM 15381 (i.e. Gum Grove Park) or Lot 1 of VTTM 15381 (i.e. the lowlands portion of the Hellman Ranch property). All lighting within the residential development shall be directed and shielded so that light is directed away from Gum Grove Park and the lowlands. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting is designed to avoid impacts upon adjacent environmentally sensitive habitat including wetlands;
 - (iii) **Landscaping.** The applicant shall submit a revised landscape plan that substantially conforms with the landscape plan for the subject site prepared by Urban Arena Landscape Architecture and Planning dated May 29, 2001 and revised August 6, 2001 except that the plan shall be revised as follows:
 - (a) Except for landscaping on the private residential lots within VTTM 15402, all landscaping for the entire development covered by this permit (including areas outside VTTM 15402) shall be of southern California native plants appropriate to the natural habitat type. In addition, no plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the proposed development area, including the landscaping within the private residential lots of VTTM 15402. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal

Government shall be utilized anywhere within the proposed development area, including the private residential lots of VTTM 15402.

- (b) The landscape plan shall identify all landscaping for the proposed development area including common areas, residential lots, and landscaping along Seal Beach Boulevard.
- (c) For erosion control purposes, where such areas were not previously indicated to be landscaped, the landscape plan shall indicate landscaping for all areas graded to prepare the site for development including VTTM 15402 and any areas within Gum Grove Park and the lowlands graded to carry out the terms of Coastal Development Permit 5-97-367, as amended.
- (d) For visual and biological purposes, special emphasis shall be placed on landscape treatment of all residentially developed portions of the site which would be visible from or face upon Lot 3 of VTTM 15381 (i.e. Gum Grove Park) and Lot 1 of VTTM 15381 (i.e. the lowlands portion of the Hellman Ranch property). Said treatment shall include adequate plantings to break up large expanses of wall or roof within the identified viewshed. In addition to shrubs and groundcover, a minimum of one specimen size tree (24-inch box minimum) shall be planted for every 10 linear feet of property along the west/northwest facing sides of Lots 36 through 54 (to include the graded slope located between the boundary of VTTM 15402 and the 'settlement line' as generally depicted on VTTM 15402 in the Commission's files dated April 18, 2000 and as may accurately be shown elsewhere), the southwest/southern facing sides of Lots 54 and 55 (i.e. within Lot A of VTTM 15402), and the west/northwest facing sides of Lots 62 through 68 (i.e. Lot A of VTTM 15402) and Lots 1 through 12 (i.e. Lot B of VTTM 15402) and arranged to provide a biological buffer; and to maximize screening of the structures from views from Gum Grove Park and the lowlands portion of VTTM 15381.
- (e) The landscaping for visual and biological buffering required in item d. above shall be maintained by the permittee or successor(s)-in-interest to the common areas of VTTM 15402. Where required landscaping occurs outside of VTTM 15402 the permittee shall establish legal means by which the successor(s)-in-interest to the common areas of VTTM 15402 may maintain the required plantings (e.g. an easement or other appropriate legal instrument). All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials which conform to the requirements of this special condition to ensure continued compliance with the landscape plan.
- (f) The landscape plan(s) shall include a map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and a schedule for installation of plants. The applicant-permittee shall encourage homeowners to use efficient irrigation systems (i.e. irrigation systems that match the water demand of the vegetation and the quantity of water delivered to the vegetation). A master landscape plan and master plant lists shall be prepared showing the overall landscaping for the entire project area, to be followed, as necessary, by focused landscape plans which substantially conform with the master landscape plan and which show detailed landscaping for individual sites and/or lots. Consistent with the requirements of subsection 4.A.iii.a. of this

special condition, the landscape plan shall also include lists, subject to the review and approval of the Executive Director, that identify: 1) the native plant species that may be planted in the development; 2) the non-native, non-invasive common garden plant species that may be planted in the residential lots; and 3) the invasive plant species that are prohibited from use anywhere within the development. The landscape palette for the development shall consist solely of the plants on the lists of approved plants as reviewed and approved by the Executive Director. If any plant species on the lists approved by the Executive Director is in the future deemed to be a noxious weed and/or problematic or invasive by the State of California, U.S. Federal Government, California Native Plant Society or California Exotic Pest Plant Council, said species shall not be used in any landscaping in the development thereafter. No deviations from the list shall occur without an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

- (g) Landscaping for the biological and visual buffer area shall be installed following completion of grading for the development and prior to or concurrent with commencement of construction of the houses authorized under this permit. All landscaping on individual residential lots shall be completed within 180 days for the front yard and 365 days for the rear yard after the close of escrow of each residential lot (erosion control measures shall be in place in the interim period). All other landscaping shall be completed prior to the issuance of the first certificate of occupancy of any residential structure within VTTM 15402.
- (h) The plantings established shall provide 50% cover in 90 days and 90% cover in 180 days from planting; and
- (i) The master landscape plan and plant lists shall be reviewed and endorsed/approved by the California Department of Fish and Game prior to submittal for review and approval by the Executive Director of the Coastal Commission.
- (j) Monitoring. Five years from the date of the completion of the installation of landscaping as required in item (g.) above, the permittee shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee or successor in interest shall implement the supplemental landscaping plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.

(iv) Entry Plan. Structures which physically control, or visually appear to control, public pedestrian and bicycle passage into and out of VTTM 15402 shall be prohibited. The Entry Plan for the residential subdivision shall be revised to conform with the requirements of Special Condition 18 of Coastal Development Permit Amendment 5-97-367-A1 which prohibits the preclusion of public pedestrian and bicycle access to the streets and sidewalks constructed within VTTM 15402 and which prohibits locked gates, walls, fences, or other obstructions prohibiting public pedestrian or bicycle access to the streets and sidewalks of VTTM 15402 as follows:

- (a) The proposed entry plan shall be modified to allow uninterrupted passage into and out of VTTM 15402 for bicycles by providing curb cuts/ramps in the sidewalks to allow bicycles to bypass the vehicle control gate using the sidewalks on both sides flanking the gate.
- (b) The 'entry trellis' structures which span the sidewalks and the low wall which flank the sidewalks at the entrance to VTTM 15402 shall be removed.

(v) Entry Signage. The permittee shall submit a signage plan for the entry from Seal Beach Boulevard to the public parking lot for Gum Grove Park and the residential community which conforms with the following:

- (a) The 'stone veneer entry monument' signs shown on the landscape, wall and entry plan prepared by Urban Arena dated May 29, 2001 and modified August 6, 2001 (detail C, sheet L8) shall be modified to identify "Hellman Ranch" (or other community name selected by the permittee) as well as "Gum Grove Park" and "Public Parking and Access". The signage shall remain in place and be maintained such that it is legible and visible to northbound and southbound traffic from Seal Beach Boulevard throughout the life of the proposed development;
- (b) Informational and directional signage shall be installed within the proposed median located along the centerline of proposed Street A of VTTM 15402, in the locations generally shown on Revised Exhibit 8a of the findings in support of approval of this permit, which direct public vehicular traffic toward the public parking lot required for Gum Grove Park, which notifies the public that public pedestrian and bicycle traffic into the residential area is allowed and welcome, and which notes that vehicular access beyond the gates to the residential area is limited to residents and guests or other authorized personnel. The signage shall remain in place and be maintained such that it is legible and visible to vehicular traffic and pedestrians and bicyclists using Street A.
- (c) Other than the signs identified in parts b and c above and the community name identifier located between the entry gates as depicted in detail A, sheet L8 of the landscape, wall and entry plan prepared by Urban Arena dated May 29, 2001 and modified August 6, 2001, no other signage shall be installed without an amendment to this permit or a new coastal development permit.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the restrictions on development identified in Special Condition 4.A.i through 4.A.v. and 4.B. above within the areas referred to as VTTM 15402 and those portions of VTTM 15381 that are subject to this coastal development permit. The deed restriction shall include legal descriptions of both the permittee's entire parcels and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. STRUCTURAL APPEARANCE CONDITION - EXTERIOR BUILDING MATERIALS

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for review and approval of the Executive Director, a color board addressing exterior building materials and identifying that all walls and building exteriors shall be finished in earth tones including deep shades of brown, gray and green, with no white, light or bright colors except as minor accent features.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on building materials within VTTM 15402. The deed restriction shall include legal descriptions of both the permittee's entire parcels and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. PUBLIC ACCESS – REQUIREMENTS AND AGREEMENTS

- A. By acceptance of this permit, the permittee acknowledges and agrees, on behalf of itself and all successors and assigns, to the following: (i) In order to assure undeterred public use of Lots C, D and E of VTTM 15402, the installation of signage, gates or other structures or appurtenances which would suggest exclusive use of those lots by any single person or group shall be prohibited; (ii) the permittee and any successors in interest to VTTM 15402 agree to work cooperatively with any entity undertaking development within the lowlands for habitat restoration, open space management and environmental education purposes to maximize public access to the lowlands through VTTM 15402, as appropriate, considering biological resource protection requirements; (iii) the fencing and gates constructed within or between Lots D and E of VTTM 15402 and the lowlands or Gum Grove Park shall be considered temporary structures. At any time the Commission, or successor agency, approves a coastal development permit for development within the lowlands/oil production area, the fencing and gates approved by Coastal Development Permit 5-01-288 shall be re-evaluated and may be modified (e.g. re-configured, re-located, removed, etc.), as necessary, to facilitate public access to the lowlands and/or control access for biological resource protection purposes. If such

modification is determined to be necessary, that modification shall not result in more than one public access point from the subdivision to the lowlands through VTTM 15402. The permittee and/or successors in interest shall be responsible for the work and for obtaining any necessary approvals from the Commission.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the restrictions on development identified above within the areas referred to as VTTM 15402 and Lot 1 and 3 of VTTM 15381. The deed restriction shall include legal descriptions of both the permittee's entire parcels and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. FUTURE DEVELOPMENT

- A. This permit is only for the development described in Coastal Development Permit No. 5-01-288. Pursuant to Title 14, California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, section 30610(a) shall not apply. Accordingly, any future improvements to the single family houses described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, section 30610(d) and Title 14, California Code of Regulations, sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-288 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government, unless the Executive Director of the Commission determines that no amendment or new permit is required.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within VTTM 15402. The deed restriction shall include legal descriptions of the permittee's entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. FINAL PLANS

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for all residential lots, for review and approval of the Executive Director:
1. Final site plans, floor plans, elevations, and foundation plans, that substantially conform with the plans submitted to the Commission, except as required to be modified by Special Condition 4 of this permit. The permittee shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed

professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the geologic and flood hazard mitigation requirements outlined in Special Condition 8 of Coastal Development Permit 5-97-367, as amended. Changes to the plans not specifically required in Special Condition 4 and which are not in substantial conformance with previously submitted plans require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. **PERMIT COMPLIANCE**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

IV. FINDINGS AND DECLARATIONS

A. **DETAILED SITE DESCRIPTION AND PROJECT DESCRIPTION**

In summary, the proposed project is the construction of seventy (70) 3,577 to 4,210 square foot, 26 to 31 foot tall, single family residences; streets; curbs; walls; landscaping, hardscaping, utilities, entry features and other appurtenances (Exhibits 3 through 5) within the subdivision previously approved under Coastal Development Permit (CDP) 5-97-367, as amended (Exhibit 2). In addition, the applicant is proposing dedication of a public access easement over Street A of Vesting Tentative Tract Map (VTTM) 15402 to provide public access to the new Gum Grove Park parking lot required under CDP 5-97-367. Details of the proposal are discussed more fully below.

The subject site is bounded on the west by Pacific Coast Highway (State Route One), on the south by the Marina Hill residential area, on the east by Seal Beach Boulevard, on the north by City of Seal Beach Police and Public Works Departments and the Los Alamitos Retarding Basin, and on the northwest by the Haynes Cooling Channel owned by the City of Los Angeles Department of Water and Power (Exhibit 1). The proposed development would occur upon the low marine terrace known as Landing Hill adjacent to Seal Beach Boulevard. The proposed development is located between the first public road in the area (Seal Beach Boulevard) and the sea (the tidally influenced wetlands located on the lowlands portion of the site).

Most of the development would be located within VTTM 15402 (Exhibit 2), a single family residential subdivision approved by the Commission under CDP 5-97-367, as amended (Exhibit 9). Some retaining walls, block walls and utilities would be constructed outside of VTTM 15402 and within VTTM 15381. These structures would be located between VTTM 15402 and Seal Beach Boulevard and between VTTM 15402 and the northern boundary of VTTM 15381. In addition, landscaping, a sidewalk along Seal Beach Boulevard and private community signage is proposed

within the Gum Grove Park lot which faces upon Seal Beach Boulevard. Meanwhile, only utility connections, access roads and paths and grading –all previously contemplated under CDP 5-97-367, as amended- would occur within those portions of the lowlands and mineral production areas of the Hellman Ranch property closest to the proposed residential development.

1. Single Family Residences and Appurtenances

There are four proposed models, each of which are two stories and have optional floor plans and architectural styling (Exhibit 4). Plan One would have approximately 3,577 square feet of living space plus a 2 to 3 car attached garage (depending on options). Optional bedrooms, offices, and bedroom 'retreats' could add up to 385 square feet of living space. This plan would be 26 to 29 feet tall depending upon the architectural styling chosen, which include "cottage", "spanish", and "craftsman" appearances (Exhibit 4). There would be a total of 23 'Plan One' style units (Exhibit 3). Plan Two would have approximately 3,782 square feet of living space plus a 2 to 3 car attached garage (depending on options chosen). An optional office or cigar room would add up to 246 square feet of living space. This plan would be 25'6" to 30 feet tall depending upon the architectural styling chosen, which include "cottage", "spanish", and "monterey" appearances (Exhibit 4). A total of 24 'Plan Two' style units are proposed (Exhibit 3). Plan Three would have approximately 4,210 square feet of living space plus a 2 to 3 car attached garage (depending on options chosen). An optional crafts rooms and bedrooms would add up to 161 square feet of living space. This plan would be 27 to 28 feet tall depending upon the architectural styling chosen, which include "cottage", "spanish", and "monterey" appearances (Exhibit 4). There are a total of 23 'Plan Three' style units (Exhibit 3).

Each residential lot would have hardscape patios, walkways and driveways plus landscaping (Exhibit 3). In addition, each lot would be enclosed on three sides (side yards and rear yard) with a combination of solid concrete block walls and 'view fences' comprised of a low solid wall topped by a decorative steel fence (Exhibit 5). Sideyard walls would be 6 feet high and 'view fencing' would be 6'3" high. Setbacks within the lots include a minimum 5 foot wide side yard setback, 10 to 20 foot first and second floor setbacks for the front yard and minimum 15 foot setbacks for the rear yard.

2. Common Areas, Community Park, Landscaping and Signs

Within VTTM 15402 there are two landscape lots (Lots A and B), three open space lots (Lots C, D, and E), and four private street lots (Streets A through D) (Exhibits 2 and 3). Development within these lots includes construction of the residential community entry way including entry gates, decorative kiosks, sidewalk trellis structures, decorative paving and community monument signs; construction of perimeter/sound walls around the community; landscaping of the streets, open space areas, and community park; and construction of community park amenities including benches, gazebos, shade trellises and pathways. There are also several retaining walls within the residential development area.

The applicant is also proposing the construction of perimeter walls, sound walls and retaining walls as well as landscaping within VTTM 15381 which surrounds VTTM 15402 (Exhibit 3 and 5). Perimeter walls would be constructed around the existing oil production facilities located along Seal Beach Boulevard near the entrance to VTTM 15402. These walls would be 10 feet tall. A proposed sound wall would be constructed between the residential development and Seal Beach Boulevard, north of the oil production facilities. This wall would be 8 feet tall. The retaining wall

would be constructed north of VTTM 15402 between the residential development and the City public works and police facilities.

Landscaping would also be installed along the Seal Beach Boulevard frontage and on the graded slope between the residential development and the bio-swale and water quality basin (Exhibit 5). In addition, the applicant is proposing to place private community name signs indicating 'Hellman Ranch' at the corners of Street A and Seal Beach Boulevard. One of these signs would be located upon land to be dedicated to the City of Seal Beach as Gum Grove Park.

3. Streets and Utilities

The proposed project also includes the construction of streets, utilities, and maintenance roads within VTTM 15402 and 15381. Within the residential development (VTTM 15402), streets, curbs, gutters, storm drains and catch basins, fire hydrants, street lamps, sewer lines, water lines, telecommunications/cable lines, and power lines would be installed. All utilities would be buried below ground. Streets would be a minimum of 36 feet wide with sidewalks on both sides of the street.

The project also includes the installation of sidewalks along the entire frontage of Seal Beach Boulevard. In addition, an access road would be constructed to provide a connection between the oil production facilities which are adjacent to Seal Beach Boulevard and the other mineral production facilities located in the lower elevations of VTTM 15381 (Exhibit 3).

B. PREVIOUS RECENT COMMISSION ACTIONS

1. 1998 Commission Action (Hellman Properties LLC)

On September 9, 1998, the Commission approved CDP 5-97-367 for subdivision of the 196 acre Hellman Ranch into several parcels including a 70-home subdivision, and construction of an 18-hole golf course, construction of 39.1 acres of wetlands, dedication of a public park (Gum Grove Park), visitor serving amenities including trails and reservation of 13.2 acres of existing mineral production area for future wetlands restoration. The Commission imposed 14 special conditions (see Appendix A), which required 1) reservation of the lowlands portion of the property for acquisition for wetlands restoration; 2) a revised VTTM No. 15381 reducing the number of lots from 9 to 5; 3) lease restrictions on the uses proposed on the State Lands Commission parcel; 4) dedication of Gum Grove Park; 5) implementation of a public access program; 6) requirements regarding the review and implementation of the archeological investigation; 7) conformance with water quality requirements; 8) implementation of mitigation measures for geologic hazards; 9) requirements to obtain future coastal development permits for the houses; 10) demonstration of legal interest; 11) requirements for wetlands restoration; 12) requirements for a final revised wetlands restoration program; 13) requirements related to operation of the golf course and implementation of a wetland education program for golfers; and 14) requirements regarding the timing of construction.

2. Coastal Development Permit Amendment 5-97-367-A1

The project approved under CDP 5-97-367 resulted in the fill of wetlands for the construction of a golf course. This approval was challenged in a lawsuit filed by the League for Coastal Protection, California Earth Corps and the Wetlands Action Network. In response to the lawsuit, a settlement

agreement was reached by the parties involved. As noted in the written settlement, "[t]he basic purpose of this Agreement is to resolve litigation by remanding the subject project to the Coastal Commission for consideration of a modified Project as set forth in Exhibit "A" that would: (1) eliminate development within and impacts to wetlands that would have been caused by the golf course portion which would have resulted in the fill of 17.9 acres of existing wetlands; and (2) allow the balance of the project within the upland areas to proceed forward...". In response to this settlement agreement, the applicant filed CDP Amendment Application 5-97-367-A1 for an amendment to CDP 5-97-367 which eliminates the proposed golf course and direct impacts to wetlands. In summary, the amendment eliminated the 100 acre golf course and associated wetland impacts and wetland restoration and added a deed restriction reserving 100 acres of lowlands for acquisition for wetlands restoration; added a deed restriction reserving approximately 50 acres of land presently used for mineral production to be made available for sale for wetlands restoration upon cessation of oil production; expanded the footprint of the 70-lot residential subdivision from 14.9 acres to 18.4 acres; reduced mass grading from 1.6 million cubic yards to 420,000 cubic yards; eliminated proposed development on a parcel of land owned by the State Lands Commission, and constructs a bio-swale, riparian corridor and water quality basin to mitigate runoff from the residential development.

At the October 2000 hearing, the Commission approved the proposed amendment with special conditions (Exhibit 9). Special Conditions 1, 2, 3, 4, 5, 6, 11, 12, 13 and 14 imposed under CDP 5-97-367 were deleted by CDP amendment 5-97-367-A1. Several of these conditions were replaced by subsequent conditions. Special Condition 15 carries forward previously imposed special conditions. Special Condition 16 implements a proposed lowlands deed restriction which requires that the applicant make 100 acres of lowlands available for sale for wetlands restoration. Special Conditions 17, 18 and 19 replace previously imposed Special Conditions 4 (Gum Grove Park dedication), 5 (Public Access Program) and 6 (Archeology), respectively, which were updated to reflect changes which occurred in the amendment. Special Condition 20 requires the applicant to submit final plans regarding the water quality structures. Special Conditions 21 and 22 require the identification and deed restriction of at least 9.2 acres of raptor foraging habitat and the management of that habitat as raptor foraging habitat. Special Condition 23 requires the applicant to implement the proposed water quality program (including bio-swale and detention basin) and mandates that such facilities be designed to mitigate runoff up to the 85th percentile 24-hour event. Special Condition 24 requires the deed restriction of land to support the required water quality treatment system. Special Condition 25 addresses construction related requirements to avoid impacts to existing wetlands. Special Condition 26 requires strict compliance with the proposal as conditioned by the Commission. Special Condition 27 replaces previously imposed Special Condition 2 and places restrictions on the subdivision of the property. Special Condition 28 implements the applicant's proposal to make the approximately 50 acres of land presently used for mineral production available for sale for wetlands restoration when oil production ceases on that land.

C. BIOLOGICAL RESOURCES- WETLANDS AND UPLANDS

The Hellman Ranch site contains 27.087 acres of scattered wetlands according to a wetlands assessment of the site (Coastal Resources Management & Chambers Group, 1996). According to the assessment, the existing wetlands are comprised of 15.91 acres of salt marsh vegetation, 2.020 acres of seasonally ponded water, 7.0059 acres of alkaline flat and 3.146 acres of tidal channel. The majority of the wetlands are clustered: 1) around a tidal channel which runs through the middle of the lowlands portion of the property and delivers site runoff to a culvert which

connects to the San Gabriel River or 2) adjacent to the Haynes Cooling Channel at the north edge of the property. These wetlands are located on the lower elevations of the property. The subject development is concentrated on the uplands portion of the property overlooking the lowlands where the above identified wetlands are located. The proposed development would be located approximately 171 feet to 270 feet away from the nearest three concentrations of wetlands. Special Conditions previously imposed by the Commission under CDP Amendment 5-97-367-A1, set the lowlands aside to be made available for sale for wetlands restoration. Development of the residential subdivision and other appurtenances which are adjacent to the lowlands must be designed to protect existing resources and to avoid impacts that would hinder restoration of the lowlands. Section 30231 of the Coastal Act requires that the biological productivity of wetlands be maintained, and where feasible restored. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, the proposed residential development would be located adjacent to the 14.8 acre passive recreational nature park, Gum Grove Park, which is to be dedicated to the City of Seal Beach as required by CDP 5-97-367-A1. The proposed project also includes landscaping within the 14.8 acre park area to be dedicated. The residential housing development is also located adjacent to and overlooks the lowlands portion of the property. As noted above, there are wetlands located within the lowlands. In addition, the lowlands provide foraging area for raptors and other bird species which nest in Gum Grove Park or occasionally visit the site. The uplands portion of the property, where the subject development is located, also provides raptor foraging habitat. As mitigation for the 18.4 acres that will be impacted due to the construction of the residential development, the Commission required the dedication of 9.2 acres of habitat within the lowlands as raptor foraging habitat under CDP Amendment 5-97-367-A1. The dedicated area is to be managed and maintained as raptor foraging habitat. The biological resources within Gum Grove Park and the lowlands area, described below, must be protected from impacts which could occur if the development is not designed to be compatible with the continuance of the park's resources. Section 30240(b) of the Coastal Act states, in relevant part:

(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.

There are several bird species which nest and/or forage at the Hellman Ranch and within Gum Grove Park. The EIR and subsequent biological analyses outline species present. The Federal and State listed American peregrine falcon (*Falco peregrinus anatum*) may occasionally forage at the site. Loggerhead shrikes (*Lanius ludovicianus*) (a state listed Species of Special Concern) may breed in large shrubs and small trees in ruderal areas of the property and forage on small prey such as insects and lizards which occur on the property. The white-tailed kite (*Elanus*

leucurus) (a state listed Fully Protected species) may breed in Gum Grove Park and has been observed in the project area. In addition, other raptors that are state listed Species of Special Concern, such as the northern harrier (*Circus cyaneus*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), osprey (*Pandion haliaetus*), prairie falcon (*Falco mexicanus*), merlin (*Falco columbarius*) and short-eared owl (*Asio flammeus*), occasionally forage on the subject site. Among these raptors, the Cooper's hawk has the potential to breed in Gum Grove Park. Other raptors which have been observed at the project site include the turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*). Gum Grove Park provides roosting, nesting and breeding areas for these sensitive avian species. In addition, Gum Grove Park provides potential habitat for the monarch butterfly (*Danaus plexippus*). Section 30240(b) of the Coastal Act requires that development adjacent to sensitive habitat areas and park and recreation areas, such as those cited above, be sited and designed to protect those areas.

As noted previously, the proposed development would occur within a subdivision previously approved by the Commission under CDP 5-97-367, as amended by CDP 5-97-367-A1. As proposed and conditioned under CDPA 5-97-367-A1, the residential subdivision was sited and designed to avoid adverse impacts upon wetlands. Measures protecting the wetlands include: restrictions regarding subdivision and any future subdivision of the property; proposed deed restrictions over the lowlands portion of the property -where the wetlands are located- making those areas available for sale for wetlands restoration; and requirements related to the mitigation of runoff from the development area so that the quality of water within coastal waters and wetlands would not be adversely impacted. The findings in support of the approval are hereby incorporated by reference. Compliance with the prior to permit issuance special conditions of CDPA 5-97-367-A1 are necessary to ensure that the previously approved project, and the development now proposed conform with the Chapter 3 policies of the Coastal Act. In order to assure that the biological resource protection measures of CDPA 5-97-367-A1 are implemented prior to commencement of the proposed development, the Commission imposes Special Condition 1. Special Condition 1 requires the permittee to comply with all requirements of CDP 5-97-367, as amended by CDP Amendment 5-97-367-A1, as those requirements pertain to the subject development. In addition, Special Condition 1 mandates that this coastal development permit shall not be issued until the prior to permit issuance requirements of CDP 5-97-367, as amended, have been achieved and the permit and amendment are issued.

The previously approved subdivision is sited to provide a 171 foot to 270 foot wide buffer between existing wetlands and the proposed residential uses. However, there are elements of the proposed project, including construction activities, lighting, landscaping, and fencing which -if not properly undertaken, or designed- could reduce the effectiveness of the buffer and cause adverse impacts upon wetlands and associated plant and animal species.

If construction equipment and staging is not appropriately managed, adverse impacts upon wetlands adjacent to the development area could occur. For instance, soil stockpiles could erode causing sedimentation of wetlands. In addition, if not sited appropriately, construction equipment and activity could cause trampling of the wetlands. The Commission previously imposed Special Conditions under CDPA 5-97-367-A1 designed to address construction phase impacts associated with the mass grading of the site. However, those conditions were not imposed to address the development now proposed. Therefore, the Commission imposes Special Conditions 2 and 3. Special Condition 2 requires the applicant to comply with certain construction responsibilities including erosion control measures and materials storage. Special Condition 3 requires that, prior

to issuance of the coastal development permit, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands. The plan shall demonstrate that construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition and that construction equipment and activity shall not be placed in any location which would result in impacts to wetlands. The plan shall include, at a minimum, the following components: a site plan that depicts the limits of the staging area(s); construction corridor(s); construction site; the location of construction fencing and temporary job trailers with respect to existing wetlands.

In addition, the proposed project would introduce new artificial lighting to the project area. Artificial lighting can adversely impact sensitive habitat areas by distracting feeding and breeding activities of birds and other animals. This impact can be minimized by directing lighting away from sensitive habitat area. Therefore, the Commission imposes Special Condition 4 which requires the permittee to submit and comply with a lighting plan which demonstrates that all lighting within the residential subdivision shall be directed away from the lowlands and Gum Grove Park. The lighting plan must be accompanied by a biological analysis which documents the effectiveness of the lighting plan.

Some of the new occupants of the residential development are likely to keep domesticated animals such as dogs and cats. If not restrained, these domesticated pets can enter sensitive wildlife areas where they can disturb the breeding efforts of natural wildlife, compete with natural wildlife for food or disturb their feeding activities. In some cases, domesticated pets can hunt natural wildlife. In order to reduce such disturbances, efforts must be made to confine pets to the residential area. The proposed project includes perimeter fencing and walls which can serve this purpose. However, proposed perimeter walls and fencing which face upon the lowlands consist of low solid walls topped by decorative metal fencing. The widely spaced bars in this proposed fencing may allow some pets to escape from the fenced area and enter natural wildlife habitat. In order to reduce this impact, the Commission imposes Special Condition 4 which requires the permittee to modify the walls, fencing and gates that are associated with the residential development and which face upon Gum Grove Park or the lowlands using solid materials or other design features such that the walls, fencing and gates satisfactorily deter the passage of domestic pets over or through the structures. The proposed perimeter walls, fencing and gates are 5½ to 6 ½ feet tall. The requirement regarding materials does not require any change to the height of any wall, fence or gate. The revised fencing plan must be accompanied by a biological analysis documenting the effectiveness of the revised fencing.

Finally, the proposed project includes landscaping of the common areas within the residential subdivision, as well as landscaping along Seal Beach Boulevard and within lots overlooking the lowlands. The use of non-native and invasive plant species within new development can cause adverse off-site impacts upon natural habitat areas that are both near and far from the subject site. Non-native and invasive plant species can directly colonize adjacent natural habitat areas. In addition, the seeds from non-native and invasive plant species can be spread from the developed area into natural habitat areas via natural dispersal mechanisms such as wind or water runoff and animal consumption and dispersal. These non-native and invasive plants can displace native plant species and the wildlife which depends upon the native plants. Non-native and invasive plants often can also reduce the biodiversity of natural areas because –absent the natural controls which may have existed in the plant's native habitat- non-native plants can spread quickly and create a monoculture in place of a diverse collection of plant species.

The proposed landscape plan is comprised of a mixture of non-native and native plant species. Some proposed plant species, such as *Schinus molle* (Peruvian pepper tree), have been identified by the California Exotic Pest Plant Council as a 'wildland pest plant of lesser invasiveness'. Although the plant is identified as 'lesser invasive' it is, nevertheless, invasive. The applicant has previously revised their landscape plan to remove some of the more invasive plant species. However, the applicant continues to propose the installation of some non-native and potentially invasive species. The applicant submitted a biological analysis of the proposed landscape plan prepared by Glenn Lukos Associates dated August 21, 2001 (Exhibit 10). The biological analysis states that the landscape plan has been designed to confine the use of non-native plants to interior areas of the development and adjacent to Seal Beach Boulevard away from the sensitive habitats located within the lowlands. The applicant contends that this proposed separation would protect adjacent sensitive habitat areas from the encroachment of non-native and invasive plants.

Although the applicant has taken steps to reduce impacts from the use of non-native and invasive plants within the proposed landscape plan, the Commission finds that such proposed measures would not be adequate to protect existing adjacent natural habitat areas. The placement of any non-native invasive plant species within the development (which could potentially spread to the natural habitat areas) is a threat to the biological productivity of adjacent natural habitat and would not be compatible with the continuance of those habitat areas. Therefore, the Commission must place strict controls on the use of vegetation within the development. The controls must apply to present and future landscaping associated with the development.

The proposed project involves new development within a previously undeveloped area. Under these circumstances it is possible to minimize impacts related to the spread of non-native and invasive plant species. One method of minimizing impacts is to require that any landscaping within common area lots, open space lots, landscape lots and vegetated buffer areas consist of California native plants that are appropriate to the natural habitat type. Strict use of California native plants within the common areas lots, open space lots, landscape lots and vegetated buffer areas is particularly important due to the proximity of these areas to sensitive habitat areas and the potential for these plants to disperse into the sensitive habitat areas. Therefore, the Commission imposes Special Condition 4 which requires the permittee and all successors in interest to use California plants which are native to the habitat type within all vegetated areas located outside of the individual residential lots.

Meanwhile, Special Condition 4 does allow the use of non-native plant species within the residential lots so long as those non-native species are also non-invasive. Avoiding the use of invasive species within the residential lots reduces the risk that adjacent habitat areas would be overtaken by non-native plants. Prohibition of the use of invasive plants species within the residential lots combined with the native habitat buffer areas which encircle and separate the residential development from the lowlands areas minimizes the risk that non-native plants will spread into and displace adjacent sensitive habitat. However, the Commission recognizes that landscaping within the individual residential lots tends to change continuously as individual property owners tailor their property in accordance with their preferences. Successor(s) in interest to the common areas may not be familiar with the types of plants that are native to the habitat type and must be used in the common areas and buffers. In addition, those plants species that are considered invasive and non-invasive may not be well known to homeowners and owner(s) of the common areas. Therefore, the Commission requires that the permittee develop plant lists that identify those plant species that are prohibited and those that are allowable. The plant lists would

identify the native plant species that must be used for planting in the common areas. These same species may be used -and are encouraged to be used- within the residential lots. The plant lists must also identify the non-native plant species that are common to gardens that may be used within residential lots as well as those plants species that are invasive and may not be used anywhere within the development. The plant lists will provide an easy reference for anyone undertaking landscaping within the development. The plant lists must be reviewed and approved by the Executive Director. In addition, the restrictions relative to landscaping and the plant lists must be recorded as part of a deed restriction in order to assure that all present owners and successors in interest are aware of the restrictions on landscaping and are notified of the plant species that may and may not be used within the development.

The City of Seal Beach has expressed concern about Special Condition 4.A.iii.a. and states that the special condition would prohibit the replacement of existing eucalyptus trees located within the existing boundary of Gum Grove Park. These trees provide habitat for the Monarch butterfly. The condition is not intended to and does not apply to any area of the Hellman property that will not be graded or otherwise disturbed as a result of CDP 5-97-367 or CDP 5-01-288. According to the Commission's records, the area of Gum Grove Park that contains eucalyptus trees would not be graded or otherwise disturbed by the proposed development; therefore, the condition would not apply to the area that is of concern to the City.

Special Condition 4 requires the permittee to submit revised plans for all areas previously proposed for landscaping such as all common areas within the residential development and along the strip of land adjacent to Seal Beach Boulevard. However, Special Condition 4 also requires the permittee to submit landscaping plans for the individual residential lots in order to assure compliance with the landscaping requirements of this permit.

Furthermore, landscaping can be installed which would provide erosion control and enhance the effectiveness of the buffer between the proposed residential development and the sensitive habitats and parkland located adjacent to the proposed residential community. Landscaping can diffuse light and noise generated from the residential area and create an additional barrier to domesticated animals which may bypass the fencing required above. Landscaping can also provide erosion control to prevent sedimentation of the wetlands located in the lowlands. As will be discussed more fully within the findings regarding visual resources, landscaping can also screen the developed area from public viewing areas. Therefore, the Commission imposes Special Condition 4 which requires the permittee to submit landscaping plans for all areas which are graded to prepare the site for development including any areas graded within Gum Grove Park and the lowlands to carry out CDP 5-97-367-A1 (Exhibit 6, pages 1-2). This landscape plan requirement supplements the revised landscape plan requirement previously imposed by the Commission under Special Condition 20 of CDP 5-97-367-A1 by expanding the area for which the permittee is responsible to landscape. The previously imposed requirement related specifically to the water quality basin required under the previous permit. The expanded requirement relates to buffering required to mitigate the impacts of residential development upon adjacent park and habitat areas.

The landscaping required for buffering purposes will mitigate operational phase impacts associated with the development. This same landscaping may also address construction phase impacts upon Gum Grove Park and sensitive habitat areas such as erosion and noise. Therefore, Special Condition 4 requires the permittee to install the landscaping required for buffering purposes prior to or concurrent with commencement of construction of the homes within VTTM

15402 (Exhibit 6, page 3). Except for the landscaping on individual residential lots, Special Condition 4 requires all other landscaping to be completed prior to the issuance of the first certificate of occupancy of any residential structure within VTTM 15402. Finally, Special Condition 4 requires the completion of landscaping on individual residential lots within 180 days for the front yard and 365 days for the rear yard after the close of escrow of each residential lots. Erosion control measures including erosion control landscaping are required during any interim period between ground disturbance and completion of final landscaping. This timing arrangement will ensure that buffering, screening and erosion control landscaping will be completed regardless of whether every individual single family residence is completed.

Special Condition 4 also requires the permittee and successor in interest to maintain the required landscaping in good growing condition throughout the life of the development. Special Condition 4 recognizes that a portion of the required landscape area is located outside of VTTM 15402. The special condition requires the permittee and successor in interest to establish a legal means by which to maintain the landscaped area. Furthermore, in order to assure that the required landscaping for buffering purposes is successfully established and to assure that the other landscaping requirements are in place, Special Condition 4 requires the permittee or successor in interest, five years from the date of the completion of grading, to submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to the Commission's approval. The monitoring report shall include photographic documentation of plant species and plant coverage. Furthermore, if the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee or successor in interest shall implement the supplemental landscaping plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.

In order to assure that all present and future property owners are aware of the landscaping, lighting, and fencing requirements, the Commission imposes Special Condition 4. Special Condition 4 requires the permittee to execute and record a deed restriction identifying the restrictions on development established by the Commission.

The Commission has reviewed and modified the proposed project to conform with the biological resource protection policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission.

The conditions identified above will protect the biological productivity of wetlands adjacent to the development area and will assure that the development does not degrade adjacent parks and sensitive wildlife areas and will assure the continuance of the resources. As conditioned, the

Commission finds the proposed development is consistent with Section 30231 and 30240(b) of the Coastal Act.

D. VISUAL RESOURCES AND COMMUNITY CHARACTER

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states, in part:

New development shall:

...(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project would construct single family residences upon an upland area of the Hellman Ranch site which will be visible to the public. For instance, the development will be visible from vantages within Gum Grove Nature Park. Also, the lowlands portion of the Hellman Ranch are required to be made available for sale for wetlands restoration, open space, and environmental education purposes under CDP 5-97-367, as amended. When sold, these lowlands areas may be open to the public. The proposed residential development would be visible from the lowlands portion of the property. In addition, the proposed residential development would be prominent within distant views of the site across the lowlands from existing public trails located along the banks of the San Gabriel River. Finally, the site would be visible from Seal Beach Boulevard which is an important coastal access route for those wishing to visit the beach communities located in the area.

In urbanized areas such as Seal Beach, open spaces and parks can contribute to the visual quality of coastal areas by breaking up continuous expanses of development. One attraction that a visitor to Gum Grove Nature Park may seek is an escape from the urban environment. Given plans to expand and enhance the wetlands and uplands area within the lowlands portion of the Hellman Ranch, a person visiting Gum Grove Park would expect to view a more naturally appearing area largely free of urban encroachment. However, under present conditions, the proposed residential development would be a prominent feature within the viewsheds available from Gum Grove Park, the lowlands portion of the property, and from the San Gabriel River.

In order to reduce the visual impact of the residential development, vegetation may be planted to screen the area from public vantages. Trees and shrubs can break up continuous lines of walls and buildings. In addition, the choice of building materials and colors can control the appearance of the development from public vantages. Therefore, in order to reduce the visual impact of the development, the Commission imposes Special Condition 4 and Special Condition 5. Special

Condition 4 requires the permittee to submit revised landscape plans and requires the permittee and/or successors in interest to plant and maintain vegetation in specified locations around the residential development which will screen the developed area from public vantage points (Exhibit 6, page 3). Special Condition 4 requires that in addition to shrubs and groundcover, a minimum of one specimen size tree (24 inch box minimum) shall be planted for every 10 linear feet of property along the portions of the development which face upon Gum Grove Park and the lowlands. Relative to the proposed landscape buffer, the applicant and the City of Seal Beach contend that the requirement for a minimum of one tree for every 10 feet of property may be inappropriate as a planting scheme. In addition, the applicant has contended that the requirement would result in the placement of trees "...on 10-foot centers" which would eventually cause the planting to "...become a large hedge, with no resemblance to natural or native habitat." The Commission disagrees. The condition requires the permittee to place one tree for every 10 feet of the identified frontages but it is not intended to require a single, evenly spaced row. The intent of the condition is to specify the amount of plant materials, in this case, trees, required to be installed and to encourage their placement in a manner that will screen and buffer the subdivision. The trees should be grouped and placed with the other landscaping elements to create a visual buffer from public vantage points. The condition also requires the permittee to plant shrubs and groundcover as would be present in the natural environment. In combination with trees of various species and heights, these shrubs and groundcover would result in a variable canopy that would minimize a 'hedge-like' appearance. The condition has been modified to clarify that the 10 foot standard means that, for every 10 linear feet of those slopes and lots described in the special condition that face upon Gum Grove Park and the lowlands, a specimen size tree must be planted within the identified areas as generally shown on Exhibit 6.

Also, the proposed development would be more prominent in the viewshed if bright colors and reflective building materials were used within the development. In order to minimize the visual prominence of the development, earth tones and muted finishes must be used. Therefore, the Commission imposes Special Condition 5, which requires the permittee to submit a color board addressing exterior building materials and identifying that all wall and building exteriors shall be finished in earth tones including deep shades of brown, gray and green, with no white, light or bright colors except as minor accent features.

Landscaping and the visual treatment of structures tend to be changed by owners as maintenance requirements and personal preference dictate. Such changes must occur consistent with the restrictions outlined above. In order to assure that all present and future property owners are aware of the restrictions relative to landscaping and the appearance of structures, Special Conditions 4 and 5 require the permittee to execute and record deed restrictions which notifies all landowners and successors in interest of the restrictions on the development.

Also, the proposed project would result in the construction of single family homes that are 26 to 31 feet tall. The proposed structures are scaled to be consistent with the character of the surrounding developed community. In addition, the structures are sized and positioned such that they do not have an overwhelming presence adjacent to Gum Grove Park and the lowlands. Once constructed, Coastal Act Section 30610(a) notes that additions to existing single family homes may occur without a coastal development permit. However, Section 30610(a) also provides that the Commission may, through regulation, identify those types of additions which have a risk of substantially adversely effecting coastal resources. Section 13250 of the California Code of Regulations further provides that the Commission may impose special conditions requiring a permit for development which might otherwise be considered exempt. Additions to the existing

homes could result in taller structures. Taller structures may adversely effect coastal resources because they could be out of scale with the community and more visible from public viewing areas. In addition, changes to building colors and materials which are inconsistent with the requirements of Special Condition 5 could have adverse visual impacts. Finally, changes to landscaping which are inconsistent with the requirements of Special Condition 4 would have adverse visual (and biological) impacts. In order to assure that the Commission may review any such proposals for development, the Commission imposes Special Condition 7. Special Condition 7 requires a deed restriction which notifies all present and future landowners of land within VTTM 15402 that repair and maintenance and additions to the single family homes approved under this permit require a coastal development permit, unless the Executive Director determines that no amendment or new permit is required. If repairs, maintenance and additions to the development are 1) consistent with the requirements of CDP 5-01-288; and 2) otherwise exempt from coastal development permit requirements, then no permit amendment or new permit would be required. All such determinations shall be made by and at the discretion of the Executive Director of the Commission.

Also, presently there is a 6 to 8 foot tall perimeter fence along Seal Beach Boulevard. The fence is chain link with an opaque fabric covering. Therefore, there currently are no unobstructed public views of Gum Grove Park and the lowlands from Seal Beach Boulevard. Under the proposed project, views from Seal Beach Boulevard toward Gum Grove Park and the lowlands would be similar or slightly improved. For instance, the residential subdivision configuration includes a roadway (Street A) that leads from Seal Beach Boulevard and ends at a proposed community park. Views from Seal Beach Boulevard down Street A and through the community park would be partially obstructed by landscaping and other appurtenances. However, views would be more available than presently exist. Meanwhile, the proposed 26 to 31 foot tall houses and the associated perimeter walls would largely obstruct any other views from Seal Beach Boulevard. However, given site constraints elsewhere on the property related to biological resources, obstruction of views across the property from Seal Beach Boulevard to accommodate new development were unavoidable. In fact, as noted above, existing views of the site are obstructed. However, even if views were currently unobstructed there are no significant blue water coastal views or other significant vistas from Seal Beach Boulevard. Therefore, the view impacts occurring from Seal Beach Boulevard would not be significant under Section 30251 of the Coastal Act.

The Commission has reviewed and modified the proposed project to conform with the visual resource protection policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission.

The proposed project would have adverse impacts upon the visual quality of scenic coastal areas when viewing the residential development from Gum Grove Park, the lowlands, and from existing public trails located along the banks of the San Gabriel River. These visual impacts can be mitigated with vegetation and appropriate building materials and color schemes. In addition, the future heights of the buildings may be managed through the coastal development permit process. The Commission has imposed special conditions addressing these impacts. Therefore, as

conditioned, the Commission finds the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

E. PUBLIC ACCESS AND RECREATION

The proposed development is located between the first public road in the area (Seal Beach Boulevard) and the sea (the tidally influenced wetlands in the lowlands).

Section 30210 of the Coastal Act states:

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

Section 30212.5 of the Coastal Act states:

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

Section 30213 of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

1. Trails, Parking and Public Access through Residential Development

The subject application requests authorization for the construction of seventy (70) single family homes, landscaping, streets, utilities, perimeter walls, and common area appurtenances including community park improvements and entry gates within the subdivision approved by CDP 5-97-367, as amended. In approving the subdivision and grading of the site, the Commission previously found that the proposed development would have impacts upon public access unless the applicant dedicated public park land (Gum Grove Park) and provided public parking and trails to access the park. In addition, the Commission required the applicant to allow public pedestrian and bicycle access into the residential subdivision. Finally, the applicant previously proposed to make the

lowlands/oil production (herein and elsewhere referred to as 'lowlands') portion of the property available for wetlands restoration, open space, and environmental education purposes (see Special Conditions 16 and 28 of Coastal Development Permit 5-97-367, as amended). Public access through the subdivision would facilitate any future efforts toward development of the lowlands for habitat restoration and public education purposes. The development which is now proposed must be undertaken in a manner which is consistent with the public access and recreation policies of the Coastal Act and the Commission's previously imposed requirements.

The development authorized by CDP 5-97-367, as amended, does not preclude the applicant from restricting public vehicular access to the residential subdivision. However, the approval does specifically prohibit any restriction on the entry of public pedestrian and bicycle traffic to the residential community. Special Condition 18 of CDP 5-97-367, as amended, specifically prohibits "...locked gates, walls, fences, or other obstructions prohibiting public pedestrian or bicycle access to the streets and sidewalks constructed within the area subject to Vesting Tentative Tract Map No. 15402..."

The subject application seeks approval for the construction of the streets and sidewalks and entry appurtenances to VTTM 15402. The entry treatment proposed includes the installation of gates which control the passage of vehicles into and out of the residential development (Exhibit 5). In addition, the entry treatment includes 'trellis' structures which span the sidewalks which flank the vehicle control gates. As noted above, previously imposed special conditions prohibit the applicant from installing development that would obstruct the passage of pedestrians and bicycles into and out of the residential development. However, the plans submitted are not consistent with these requirements. For instance, the proposed vehicle control gates span the entire road lane. However, there are no curb cuts or ramps proposed for the adjacent sidewalks which would allow bicyclists to bypass the gates. In addition, the presence of trellis structures spanning the sidewalks gives the sense that pedestrian entry into the residential development is controlled and may require special permission. The Commission finds that the design of the entryway would deter pedestrians and bicyclists from entry into the residential subdivision and would not be consistent with previously imposed special conditions. Public access would be diminished because non-automobile circulation within the development would be deterred. Therefore, the Commission imposes Special Condition 4 which requires the permittee to submit revised plans showing removal of the trellis structures and installation of curb cuts/ramps in the sidewalks on both sides of the entryway gates and both sides of the street to allow uninterrupted passage into and out of VTTM 15402 via bicycle ('Revised' Exhibit 8a).

If modified as required above, the proposed vehicle control gates would be consistent with the Commission's previously imposed requirements related to public entry to the subdivision. Accordingly, as modified, the gates may be installed. However, similar to the presence of the trellis structures identified above, the presence of vehicle control gates suggests that any public entry to the residential subdivision requires special permission from a property owner within the subdivision. Clearly, the Commission intended that the public be allowed to enter the subdivision and that no part of the development should act as a deterrent to public access. The Commission finds that the only way to ensure that the public is aware of the availability of public access through the subdivision is through signage declaring its availability. Therefore, the Commission imposes Special Condition 4 which requires the permittee to provide signage which is visible from Seal Beach Boulevard and from Street A declaring that public pedestrian and bicycle access through the residential subdivision is welcome. This would be accomplished in two ways. The first is by modifying signs which are proposed at the corner of Seal Beach Boulevard and Street A in the

manner discussed more fully below to indicate that public access is available at Street A. In addition, once a person enters Street A they must be provided direction toward the public parking lot if they are driving. If the person is walking or cycling, the signs must notify that person that public access is available through Gum Grove Park or within the residential area. Special Condition 4 identifies the locations of signs and the information required on those signs. The sign locations are further identified in 'Revised' Exhibit 8a.

Also, the proposed project includes the construction of community name signs, stating 'Hellman Ranch', at the corners of Street A and Seal Beach Boulevard. One of these signs would be located on land to be dedicated to the City of Seal Beach as Gum Grove Park under Coastal Development Permit 5-97-367, as amended. As will be discussed more fully below, the applicant is proposing to provide vehicle, pedestrian, and bicycle access from Seal Beach Boulevard to the required parking lot for Gum Grove Park via a portion of Street A of VTTM 15402. The proposed community name signage would be located between the driveway for the required parking lot and Seal Beach Boulevard. These signs suggest and could be interpreted by persons travelling along Seal Beach Boulevard to mean that the parking lot is for the Hellman Ranch property and not available for public access. This would be a deterrent to public access. In addition, one of these signs would be located upon park land which is to be dedicated for public access. The placement of signs -wholly intended to identify a private community- upon public park land would not be consistent with the intended use of the park land.

However, the proposed signage visible from Seal Beach Boulevard represents an opportunity to consolidate signage requirements for the entry area. For instance, the applicant wishes to provide community name signage to identify the community. In addition, the applicant is required by Special Condition 18 of CDP 5-97-367, as amended, to provide signage visible from Seal Beach Boulevard which invites and encourages public use of Gum Grove Park and its amenities. The applicant has submitted the proposed signage which consists of a single 1½ foot by 1 foot sign visible to southbound traffic on Seal Beach Boulevard (Exhibit 8b). This proposed sign is small and would only be visible to southbound traffic. The Commission finds that this single sign would not fulfill the requirements of Special Condition 18 of CDP 5-97-367. Alternatively, the applicant could revise the two signs located at the corners of Street A and Seal Beach Boulevard to notify the public of the presence of Gum Grove Park and the availability of public parking and public access. This information could be placed on the same sign that applicant wishes to use to identify the community name. Consolidating the signs would minimize visually degrading sign clutter. In addition, the signage would notify the public, in a prominent and logical location, of the public access opportunities available at the site. The reduction of sign clutter would mitigate for the placement of private signage upon public land. Therefore, the Commission imposes Special Condition 4 which requires the permittee to modify the signs at the corner of Street A and Seal Beach Boulevard to identify the community name as well as the presence of Gum Grove Park and the availability of public parking and access. The condition requires that the signage remain in place and be maintained such that it is legible and visible to northbound and southbound traffic from Seal Beach Boulevard throughout the life of the proposed development. In order to minimize sign clutter and to ensure that any signage would not discourage public access, Special Condition 4 also states that, other than the signs identified above and the community name identifier located between the entry gates, no other signage shall be installed without an amendment to this permit or a new coastal development permit.

Furthermore, the proposed development includes the construction of small parks and open space areas within the residential subdivision at Lots C, D and E. The park at Lot C is located at the end

of Street B and adjacent to Gum Grove Park. The park at Lot D is at the end of Street A (the main access road to the subdivision) and adjacent to the lowlands. A decomposed granite maintenance access path is proposed to extend from Lot D and into the bio-swale and water quality basin area. Finally, the open space at Lot E is located at the northwest corner of the subdivision at the end of Street D. One purpose of requiring undeterred public access through the residential subdivision is to provide the public with vantage points of the lowlands (i.e. the areas that have been reserved for habitat restoration and environmental education purposes pursuant to Special Condition 16 and 28 of Coastal Development Permit 5-97-367, as amended) and to facilitate future plans for public use of the lowlands. For instance, public pedestrians and bicyclists should not be deterred from enjoying the park and open space areas to be developed on Lots C, D and E within VTTM 15402. In addition, future access to the lowlands would be facilitated by connecting trails to Lots D and E which could be accessed by pedestrians and bicyclists from Seal Beach Boulevard through VTTM 15402.

In order to achieve the public access goals outlined above the Commission must condition the development so that such access is not precluded. In order to assure undeterred public use of Lots C, D and E, the Commission imposes Special Condition 6 which prohibits the installation of signage or gates which would suggest exclusive use of those lots by the residents of VTTM 15402.

Also, the proposed project includes the installation of landscaping, fencing, gazebos, shade trellis, benches and walkways within Lots C, D and E of VTTM 15402 (Exhibit 7). The proposed fencing at Lot D would be placed on the graded slope between the border of VTTM 15402 and the lowlands/oil production portion of the property. Plans indicate a gate would be installed to allow passage through the fence. The gate provides access from the residential development to the bio-swale and water quality/flood control detention basin which was required and approved by the Commission under CDP 5-97-367, as amended. This same gate may also provide access to the lowlands portion of the property. Similarly, proposed fencing at Lot E would be placed along the border of VTTM 15402 and the lowlands. There is no proposed gate to allow passage through the fence at Lot C. The fencing would be decorative tubular steel 'view' fencing through which views may be taken.

As noted elsewhere in these findings, the Commission is requiring the permittee to revise all perimeter fencing and gates to deter passage by common domesticated animals, including the fencing and gates within Lots C through E or between said lots and the lowlands. For biological protection purposes it is important -at this time- to restrict intrusions into the lowlands portion of the property to the maximum extent feasible. Therefore, the Commission is supportive of the applicant's proposal to construct gates between the residential development and the lowlands which limit such intrusions.

However, in the future, the fencing and gates within or between Lots D and E and the lowlands may need to be modified (e.g. re-configured, re-located, removed, etc.) to allow passage through the fencing and gates in order to facilitate public access to the lowlands and Gum Grove Park. The applicant requested and the Commission agrees that if the Commission, or successor agency, determines that the fencing and gates need to be modified for public access, due to the presence of other access points that have been proposed by the applicant and/or required by the Commission under CDP 5-97-367, as amended, that such modification shall not result in more than one public access point from the residential subdivision to the lowlands through VTTM 15402. The need for fence and gate modification and design of the modification will be dependent upon

the design of the habitat restoration and environmental education facilities (i.e. trails, interpretive signage, etc.) in the lowlands. Issues relating to the interaction of habitat restoration and public access will need to be considered in conjunction with changes to the fencing and gates within Lots D and E. For instance fencing and gates may need to be modified to protect habitat and manage human and domestic animal intrusion into habitat areas. In order to assure that the permittee and/or successor(s) in interest to VTTM 15402 coordinate with any entity which undertakes habitat restoration and environmental education projects within the lowlands, the Commission imposes Special Condition 6. Special Condition 6 requires the permittee and/or successors in interest to VTTM 15402 to work cooperatively with any entity undertaking development within the lowlands for habitat restoration, open space management and environmental education purposes to maximize public access to the lowlands. Special Condition 6 also states that the fencing and gates constructed within or between Lots D and E of VTTM 15402 and the lowlands or Gum Grove Park shall be considered temporary structures. Furthermore, Special Condition 6 requires that at any time the Commission, or successor agency, approves a coastal development permit for development within the lowlands/oil production area, the fencing and gates approved by Coastal Development Permit 5-01-288 shall be re-evaluated and may be modified (e.g. re-configured, re-located, removed, etc.), as necessary, to facilitate public access to the lowlands and/or control access for biological resource protection purposes. The permittee and/or successors in interest shall be responsible for the work and for obtaining any necessary approvals from the Commission. In order to assure that all existing and future landowners are aware of the above requirements, the Commission requires the permittee to execute and record a deed restriction incorporating the above requirements.

Also, the decision to allow the applicant to restrict the entry of public vehicular traffic to the residential subdivision was contingent upon the applicant's provision of public parking directly accessible from Seal Beach Boulevard. The applicant is proposing to comply with this contingency by dedicating a public access easement over that portion of Street A of Tentative VTTM 15402 which is necessary to access a parking lot to be constructed next to Seal Beach Boulevard within Lot 3 of VTTM 15381. Street A is the road via which residents would travel from Seal Beach Boulevard into the residential development. Special Condition 18 of CDP 5-97-367, as amended, requires the applicant to submit a revised VTTM 15402 showing the manner of access to the required parking lot. The applicant has stated the intention to comply with this requirement. Meanwhile, Special Condition 18.D. of CDP 5-97-367, as amended, also requires the applicant to construct the above identified parking lot, plus a trail from the parking lot to the central area of Gum Grove Park, prior to commencement of construction of the houses which are now proposed. In order to assure that the requirements of Special Condition 18 are met, the Commission imposes Special Condition 1. Special Condition 1 requires the permittee to comply with all prior to permit issuance requirements of CDP 5-97-367, as amended, before issuance of the subject permit. Additionally, Special Condition 1 requires the permittee to comply with the post-permit issuance requirements of Special Condition 18.D. prior to issuance of the subject permit.

2. Gum Grove Park Dedication

Under CDP 5-97-367, as amended, the applicant proposed and the Commission required the dedication of Gum Grove Park to the City of Seal Beach. Special Condition 17 of CDP 5-97-367, as amended, requires the applicant to dedicate fee title of Gum Grove Park prior to the issuance of building permits for the residential structures. In order to assure compliance with the requirements of Special Condition 17 and with Section 30210 and 30213 of the Coastal Act, the

Commission imposes Special Condition 1 which requires that, prior to issuance of this coastal development permit, the applicant must comply with Special Condition 17 of CDP 5-97-367, as amended.

3. Access and Recreation - Conclusion

The Commission has reviewed and modified the proposed project to conform with the public access protection policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission.

The Commission previously found that development of the residential community would have adverse impacts upon public access to coastal recreational areas. In order to mitigate these impacts, the Commission required the applicant to dedicate public park area, provide public parking and trails and to allow public pedestrian and bicycle traffic through the development. The proposed development contains features such as fencing and entry gates which presently have an impact or in the future may have an impact upon public access. The Commission has imposed special conditions requiring the applicant to agree to certain restrictions and to modify plans to assure that public access is not impacted. As conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30212.5, 30213 and 30252 of the Coastal Act.

F. WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project will result in the construction of 70 single family homes and associated infrastructure within a subdivision previously approved by the Commission. The implementation of the project will result in two phases where potential impacts upon water quality would occur: 1) the construction phase; and 2) the post-construction phase including the commitment of an 18.4 acre area for residential purposes. Construction phase impacts include erosion and sedimentation of coastal waters during grading. Post-construction phase impacts relate to the occupation and use of the proposed residential development. Run-off from residential developments is commonly polluted with petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause: eutrophication and anoxic conditions resulting in fish kills and diseases and the

alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In order to assure that the residential subdivision conformed with Section 30231 of the Coastal Act, the Commission previously imposed Special Conditions 7, 23, and 24 under CDP 5-97-367, as amended. Special Condition 7 of CDP 5-97-367, as amended, requires that, prior to the issuance of the coastal development permit, the applicant submit, for the review and approval of the Executive Director, a National Pollutant Discharge Elimination System permit ("NPDES"), Storm Water Pollution Prevention Plan, and Structural and Non-structural Best Management Practices for the proposed project, in compliance with the standards and requirements of the California Regional Water Quality Control Board. Special Condition 7 of CDP 5-97-367, as amended, requires the applicant to implement and comply with the water quality measures approved by the Executive Director. In addition, Special Condition 7 of CDP 5-97-367, as amended, requires that runoff from the site be directed to the Los Alamitos Retarding Basin (LARB) to the maximum extent feasible. In addition, Special Condition 7 of CDP 5-97-367, as amended, requires the permittee to comply with mitigation measures WQ-5 through WQ-10 inclusive as approved by City of Seal Beach City Council Resolution 4562. Water Quality (WQ) measures 5 through 10 are contained in the City's certification of the Hellman Ranch Specific Plan and are as follows:

- WQ-5 *Prior to moving construction equipment on site, the project developer shall provide evidence to the City Engineer that a national Pollution Discharge Elimination System (NPDES) permit has been obtained from the State Water Resources Control Board (SWRCB). Once obtained, the NPDES permit shall be retained on the construction site throughout the construction period, and a copy shall be filed with the City Engineer.*
- WQ-6 *During construction, the City Engineer shall ensure that all the terms and conditions outlined in the National Pollution Discharge Elimination System (NPDES) permits, including the implementation of Best Management Practices (BMP's) are complied with.*
- WQ-7 *Prior to issuance of grading permits, Project developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the proposed project. This plan shall be submitted to the City Engineer for review and comment prior to implementing any SWPPP provisions or starting any construction activity. A copy of the SWPPP shall be held by the construction contractor(s) on the construction site throughout the development of the Hellman Ranch Specific Plan. The City Engineer will monitor and enforce the provision of the SWPPP.*
- WQ-8 *During operation of the proposed project, the Project Owner/Operator shall ensure that all pest control, herbicide, insecticide and other similar substances used as part of maintenance of project features are handled, stored, applied and disposed of by*

those doing facility maintenance in a manner consistent with all applicable federal, state and local regulation. The City Engineer shall monitor and enforce this provision. Responsible agencies shall be indicated in the Golf Course Management Plan.

- WQ-9 *Prior to issuance of grading permits, the project developer shall provide evidence to the Director of Development Services that a water quality management plan (WQMP) has been prepared for the project in a manner consistent with the Orange County Drainage Area Management Plan. The WQMP shall contain provisions and Best Management Practices (BMP's) for both construction and operating/municipal conditions. The WQMP shall also remain flexible to modification to provide appropriate safeguards for the wetlands and Los Alamitos Retarding Basin.*
- WQ-10 *Prior to issuance of the grading permits, the City Engineer shall verify that structural BMP's have been permanently incorporated into project plans by the Applicant. Such BMP's shall ensure that pollutants from project-related storm water entering the LARB and the San Gabriel River are mitigated consistent with applicable state and local standards.*

Special Condition 7 of CDP 5-97-367, as amended, references several documents including the National Pollutant Discharge Elimination System permit ("NPDES"), Storm Water Pollution Prevention Plan; Structural and Non-structural Best Management Practices, the Orange County Drainage Area Management Plan, and a Water Quality Management Plan. These references refer to permits and documents required under the regulations of other governing agencies with regard to stormwater runoff associated with new development during and after construction. Relevant permits implementing these requirements include the State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activity; and the County of Orange Municipal NPDES Stormwater Permit No. CAS618030.

The development approved by CDP 5-97-367, as amended, and the pending project involves construction activity upon more than 5 acres of total land area. In cases where more than 5 acres of such construction activity is involved for residential use, the applicant is required to comply with the State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activity. This permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which addresses construction-related impacts upon storm water quality associated with the specific development occurring at the particular site in question. The SWPPP identifies pollutant sources and outlines the measures (i.e. Best Management Practices) to be taken to avoid impacts from those pollutant sources. By submitting a SWPPP which is in conformance with the requirements of the NPDES General Permit No. CAS000002 for review and approval of the Executive Director of the Coastal Commission, the applicant will demonstrate the specific measures which will be implemented to avoid adverse impacts upon water quality during the construction phase of the project. Such measures would include, but not be limited to, use of hay bales, sand bags, silt fences and temporary detention basins/settlement ponds to prevent the discharge of sediment from the construction site, use of temporary erosion control landscaping to secure graded and disturbed areas, prior to the rainy season, which remain exposed after interruptions in construction or which remain exposed after grading is completed and before fine grading and construction of infrastructure and homes.

The subject site is also governed by the County of Orange Municipal NPDES Stormwater Permit No. CAS618030 which was issued by the California Regional Water Quality Control Board – Santa Ana Region to the County of Orange and co-permittees including the City of Seal Beach. The municipal stormwater permit requires the County and co-permittees including the City of Seal Beach to prepare and implement a drainage area management plan which addresses those measures that will be implemented to mitigate polluted run-off. These measures include requirements for the use of post-construction phase structural and non-structural Best Management Practices (BMPs) to avoid and minimize the impacts of polluted run-off upon surface waters.

The Orange County Drainage Area Management Plan (OC DAMP), submitted to the Regional Boards for compliance with the municipal NPDES permit is the implementing program for the NPDES permit. The guidelines for the use of structural and non-structural BMPs outlined in the OC DAMP were developed based upon the principle criterion identified in the NPDES permit, that being the term Maximum Extent Practicable or "MEP." The NPDES permit defines "MEP" as follows:

"MEP" means to the maximum extent practicable, taking into account equitable considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, fiscal feasibility, public health risks, societal concern, and social benefits."

The OC DAMP includes a section focused on New Development Control (Section 7.0), which requires new development (such as the proposed project) to incorporate non-structural, routine structural, and special structural BMPs "to minimize the amount of pollution entering the drainage system."

In order to identify for the Commission the non-structural, routine structural and special structural BMPs the applicant would use to address post-construction water quality impacts from the proposed development, the applicant submitted a Water Quality Management Plan (WQMP), Tract 15402, Hellman Ranch, prepared by MDS Consulting of Irvine, California, dated January 2000 and a Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000. The WQMP outlines, in general, the non-structural and structural BMPs which are proposed to address water quality impacts associated with the residential development. Meanwhile, SWM & WQCP describes more fully the specific measures to be implemented including the bio-swale/riparian corridor and water quality basin which were approved by CDP 5-97-367, as amended.

Briefly, the WQMP describes several BMPs designed to mitigate water quality impacts from the proposed development. Non-Structural BMPs include: 1) education for property owners, tenants, and occupants; 2) activity restrictions, to be a part of the Conditions, Covenants and Restrictions (CC & R's) for the development, including i) no car engine cleaning onsite, ii) car washing only allowed using bucket and sponge method, iii) a prohibition of car maintenance on site; iv) limitations on the use of chemicals and fertilizers; 3) in the CC & R's, identification of the homeowners association as the entity responsible for inspection and maintenance of structural and non-structural BMPs; 4) common area litter control; 5) inspection and maintenance of common area catch basins by October 15th of each year; and 6) street sweeping. Structural BMPs include: 1) filtration of surface runoff through landscaped areas; 2) efficient irrigation of common

areas; 3) use of energy dissipaters; 4) catch basin stenciling; and 5) installation of inlet trash racks.

Expanding upon the WQMP, the applicant submitted the SWM & WQCP which outlines in more detail the non-structural and structural BMPs which will be implemented to mitigate the impacts of polluted storm run-off related to the proposed development. The structural BMPs outlined in the SWM & WQCP are categorized into three zones. Zone One (1) consists of trash racks and fossil filters installed into catch basins within the proposed development. The measures in Zone 1 will primarily intercept trash, litter, grease and other hydrocarbons. Zone Two (2) consists of a bio-swale designed to control fine particle sediments, debris, soap, dirt, herbicides, pesticides, and fertilizers. The bio-swale will consist of an infiltration swale with a wetland bottom and vegetation which will impound surface runoff and filter it as it passes through the basin floor. Zone Three (3) will consist of a filtration basin designed to control nutrients, microbial contaminants and toxic materials. This basin is designed to accommodate the first flush from a drainage area of 30.6 acres (i.e. the 18.4 acre residential subdivision and the 12.2 acres of off-site drainage area).

In order to assure that the proposed water quality measures were implemented and that the system was designed to mitigate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, the Commission imposed Special Condition 23 of CDP 5-97-367, as amended. Special Condition 23 requires the applicant to submit a final SWM & WQCP for review and approval by the Executive Director. Special Condition 23 requires the proposed post-construction treatment BMPs to be sized based on design criteria specified in the condition. Since the proposed water quality management system is necessary to mitigate the water quality impacts associated with use of the development, Special Condition 23 requires that the structural elements of the SWM & WQCP, approved by the Executive Director, be implemented prior to or concurrent with construction of infrastructure for the residential subdivision (i.e. streets, utilities, etc.). Special Condition 23 also specifies that all structural and non-structural BMPs shall be maintained in a functional capacity throughout the life of the approved development. Special Condition 23 specifies that any changes to the structures outlined in the SWM & WQCP necessary to accommodate the requirements outlined in Special Condition 23, shall require an amendment to CDP 5-97-367. Finally, in order to assure that the applicant and all successors-in-interest are aware of the requirements of Special Condition 23, the condition requires, prior to issuance of CDP 5-97-367, the applicant shall execute and record a deed restriction reflecting the requirements outlined in Special Condition 23.

In addition, since final site plans, grading plans, structural plans and landscape plans have not been submitted related to the proposed bio-swale and water quality basin, the Commission imposed Special Condition 20 under CDP 5-97-367, as amended. Special Condition 20 requires the applicant to submit final site plans, grading plans, structural plans and landscape plans for the proposed bio-swale and water quality basin which conform with the final SWM & WQCP required pursuant to Special Condition 23 of CDP 5-97-367, as amended.

In addition, the applicant's SWM & WQCP indicated that land is necessary outside the area of the residential subdivision to construct the water quality measures necessary to assure the development is consistent with Section 30231 of the Coastal Act. Therefore, the Commission imposed Special Condition 24 under CDP 5-97-367, as amended, which requires the applicant, prior to issuance of the coastal development permit amendment, to execute and record a deed restriction, in a form and content acceptable to the Executive Director, over the area of land identified in the SWM & WQCP (including the landscaped area surrounding the water quality basin

and bio-swale). The area shall be restricted for uses related to water quality management purposes.

The water quality measures required under CDP 5-97-367, as amended, were required at the subdivision stage of the approval to ensure that adequate land area was reserved for the mitigation measures. These mitigation measures anticipated and were designed to mitigate for the water quality impacts that will be generated by the development which is now proposed for construction. In order to assure that the applicant complies with Section 30231 of the Coastal Act and the water quality mitigation measures outlined by CDP 5-97-367, as amended, the Commission imposes Special Condition 1. Special Condition 1 incorporates the previously imposed special conditions by reference and mandates that all prior to permit issuance requirements of CDP 5-97-367, as amended, shall be completed prior to issuance of this coastal development permit. In addition, Special Condition 1 requires that the bio-swale and water quality basin described under CDP 5-97-367, as amended, be in place and functional prior to the commencement of the single family residential structures approved by this permit.

As noted above, the conditions previously imposed under CDP 5-97-367, as amended, address construction phase erosion control and require the applicant to re-vegetate graded areas, as necessary, for erosion control purposes. These re-vegetation measures are intended as interim construction phase requirements. The Hellman Ranch Specific Plan EIR states that if soil within the project area is left bare there is a high erosion hazard. Erosion would result in sedimentation of wetlands within the lowlands. The proposed project would include the final landscaping for the project area. In order to assure that the erosion hazard is minimized for the operational (post-construction phase) of the project, the Commission imposes Special Condition 4. Special Condition 4 requires the permittee to submit revised landscape plans indicating final landscape plans for all areas that are graded for the project.

The proposed development includes landscaping of proposed development area. Special Condition 4 imposed by the Commission requires the permittee to plant native vegetation within all areas of the development located outside the individual residential lots. Use of native plants will reduce the quantity of water necessary to sustain the vegetation. Minimizing the amount of irrigation will in turn reduce the amount of runoff from the site. However, within the individual residential lots, non-native non-invasive vegetation may be planted. Such vegetation will likely include grass turf and other exotic plant species. Exotic plants and grass turf commonly require a larger volume of water to sustain than native vegetation. In addition, irrigation of exotic plants and grass turf can be improperly managed resulting in a large amount of runoff. In order to minimize the impact of over-irrigation, the Commission imposes Special Condition 4 which requires the applicant-permittee to encourage homeowners to use efficient irrigation systems which are designed to match the amount of irrigation to the water demand of the landscape vegetation. For instance, the applicant should install efficient irrigation systems in the model homes that are constructed and provide displays in the models that explain to prospective and future homeowners the benefits of using efficient irrigation systems. The applicant should also include installation of efficient irrigation systems as a standard amenity or, at minimum, offer the system as an inexpensive option. Finally, any homeowners association established for the community should compile and disseminate information about the benefits, use, maintenance and installation of efficient irrigation systems on a regular basis. Use of efficient irrigation systems will minimize the amount of runoff from the development.

The Commission has reviewed and modified the proposed project to conform with the water quality resource protection policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission. As conditioned, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

G. HAZARDS

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

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

1. Seismic / Geologic Hazards

The Seal Beach splay of the Newport-Inglewood fault (a major earthquake fault in Southern California) transects the Hellman Ranch property in a northwesterly direction. The Alquist-Priolo Act requires development for human habitation to be setback 50 feet from a fault zone. The fault across the Hellman Ranch property is 20 feet wide. Therefore, structures for human habitation cannot be built within a 120 foot wide strip of land running over the fault (20 feet for the fault plus 50 feet on either side of the fault).

No homes or other structures for human habitation are proposed on the fault. However, to further minimize hazards from seismic activity, the Commission previously imposed Special Condition 8 of CDP 5-97-367, as amended, which required incorporation of the City's geological hazards mitigation measures outlined in the EIR for the Hellman Ranch Specific Plan¹. The mitigation measures incorporated are as follows:

¹ The mitigation measures identified in the Specific Plan EIR were drafted at the time the 'project' included a golf course, golf clubhouse, wetlands restoration project and other development within the lowlands. These elements of the project were removed under CDP Amendment 5-97-367-A1. The CDP Amendment 5-97-367-A1 carried forward the requirements of the above special condition to the extent that the requirements still applied. In some cases, the mitigation measures may no longer be relevant. For instance, EIR Mitigation Measure GEO-4 above refers to 'constructed wetlands'; GEO-5 refers to removal of dredged fill soils; and GEO-6 through 6.4 refers to development in places of high liquefaction potential. As amended, the project approved under CDP 5-97-367 no longer includes constructed wetlands and wetlands fill or dredging. In addition, based on Figure 5-22 of the Specific Plan EIR, the project no longer includes construction in areas of moderate or high liquefaction potential.

- GEO-1 Prior to issuance of project grading permits or completion of project construction plans, the project developer shall submit to the City Engineer, completed subsurface investigations in the proposed project area, prepared by a licensed geologist, to ensure that appropriate engineering safeguards have been added to project plans to ensure that seismic standards are met as defined by the Uniform Building Code (1996), the Alquist-Priolo Special Studies Zones Act of 1972 and the City of Seal Beach General Plan. The Project Developer shall reimburse all City of Seal Beach costs of independent third-party review of said technical report.*
- GEO-2 The Director of Development Services shall ensure that all structures to be constructed within the Hellman Ranch Specific Plan are constructed according to the latest adopted edition of the Uniform Building Code (UBC) and other applicable codes or standards to help ensure that these structures will be able to withstand earthquakes experienced in the project area.*
- GEO-3 Prior to issuance of grading permits or completion of construction plans, whichever occurs earlier, the project developer shall submit to the City Engineer, a soil study which identified all soil types on the project site. The study shall include all measures necessary to safely work in these soil types as called for by project construction plans. The Project Developer shall reimburse City of Seal Beach costs of independent third-party review of said technical report.*
- GEO-4 Prior to commencement of project grading operations, the construction contractor shall submit for the review and approval of the City Engineer a plan explaining the disposal of export or excess graded for fill material and identify the approved disposal site(s) to be used for the project. The plan will also include measures to be taken for the safe reuse of on site material as engineering or environmental fill, particularly around the constructed wetlands. Fill Material(s) used from off site construction project(s) shall be approved by the City Engineer to ensure that the material is clean and free of environmentally deleterious materials.*
- GEO-5 The Project Developer shall provide and submit measures for approval by the City Engineer which shall ensure that the necessary affected berms and impounded dredged fill soils are removed and, depending upon grades, replaced with compacted fill in order to mitigate the likelihood of lateral spreading.*
- GEO-6 Prior to the issuance of project grading permits, the City Engineer shall meet with the grading contractor and soils engineer to determine which improvement techniques shall be utilized to reduce or mitigate liquefaction potential within the lowlands area. The techniques shall include, at a minimum, the following techniques which shall be evaluated as part of the project geotechnical report:*
- GE06.1 Densification of loose sands via vibratory techniques, pressure grout the sand zones, or dewater the area and then remove and recompact the sands zones with engineered fill.*
- GE06.2 Provide gravel drains to aid in the dissipation of porewater pressure during an earthquake.*

- GE06.3 Increase the overburden pressure by adding an appropriate thickness of fill.*
- GE06.4 Where structures are proposed, provide structural support via deep foundations in the area of high liquefaction potential, and utilize post-tensioned/structural mat foundations for structures situated within moderate liquefaction prone areas.*
- GEO-7 Prior to the issuance of grading permits, the City Engineer shall meet with the construction contractor to evaluate options pertaining to the settlement process in areas underlain by soft silts and clay soils and the preloading of the ground in these areas by placement of a surcharge fill if recommended by the project geotechnical study.*
- GEO-8 Organic-rich layers found on the project site should be removed, blended with other inorganic onsite soils where necessary and recompact, or selectively disposed of outside of the structural fill arms. Excavated soils may require spreading to dry before being placed as engineered fill. If large pockets or thick layers of highly organic materials (dark organic soils) are encountered during excavation, these material should be stockpiled for future disposal or used in nonstructural fills on the project site.*

The development proposed under this application would occur upon the upland mesa portion of the Hellman Ranch site. Other than seismic hazards, the geologic report prepared for the project did not identify any significant geologic hazard associated with development of the upland mesa. Mitigation measures were outlined in the Hellman Ranch Specific Plan EIR (cited above) which would reduce any potentially significant impact to insignificance. These mitigation measures primarily relate to the grading of the site (which is not the subject of this permit). However, these measures also relate to the design of the structures, such as the foundation system. For instance, the mitigation measures GEO-1 and GEO-2 requires the applicant to complete a detailed subsurface geologic investigation to ensure that appropriate seismic hazard safeguards are incorporated into the grading and the structures and requires that the development occur in conformance with current building code. Mitigation measure GEO-3 requires the applicant to prepare a soil study to ensure that soil preparation and foundation designs adequately compensate for any adverse soil conditions. Mitigation measures GEO-4, GEO-6 through 6.4, and GEO-7 establish requirements related to the grading of the site. These measures must be undertaken prior to commencement of construction of the residential structures. Therefore, in order to ensure that all previously identified mitigation measures are implemented prior to the commencement of construction of the homes and to assure the structural integrity of the development, the Commission imposes Special Condition 1 and 8. Special Condition 1 requires the applicant to complete the requirements of mitigation measures GEO-1 through GEO-4, and GEO-6 through GEO-7 prior to issuance of this coastal development permit. Special Condition 8 requires the permittee to submit final plans for each residential structure including site plans, floor plans, elevations and foundation plans, as modified by Special Condition 8. Special Condition 8 also requires the permittee to submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the geologic hazard mitigation requirements outlined in Special Condition 8 of Coastal Development Permit 5-97-367, as amended. If compliance with above outlined mitigation measures requires substantial changes to the plans, an amendment or new permit is required unless the Executive Director determines that no amendment or new permit is necessary.

The Commission has reviewed and modified the proposed project to conform with the hazard mitigation policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission. Therefore, as conditioned, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act as it pertains to geologic hazards.

2. Flood Hazards

The Hellman Ranch site is located near a major river and a flood control basin. However, the proposed development would be located on an upland mesa well above flood level. Therefore, the proposed development would not be at risk of flooding.

However, the proposed development would create impervious surfaces which would increase the quantity of runoff generated from the site. This runoff would be directed toward the Los Alamitos Retarding Basin (LARB). The Hellman Ranch Specific Plan EIR states that, under extreme storm conditions (i.e. the 100-year storm), the LARB would not be able to accommodate the flows from the development. Rather, these flows would need to be detained on site in order to prevent any overflow of the LARB generated by runoff from the new development. Once detained, these flows could be released slowly to the LARB over several hours or days, as needed. The Commission previously imposed Special Condition 8 which incorporated the City's hydrology mitigation measures outlined in the City-approved EIR for the Hellman Ranch Specific Plan, as follows:

- WQ-1 Prior to the issuance of grading permits, the Project Developer shall submit a final drainage plan for the proposed project for review and approval by the City Engineer.*
- WQ-2 Prior to issuance of grading permits, the Project Developer shall ensure that coordination between the City of Seal Beach and the Orange County Flood Control District has been undertaken to demonstrate the ability of the project to meet interim County flood control requirements at the Los Alamitos Retarding Basin. To this end, a final hydrology report shall be approved by the City Engineer which reports effects, if any, on the Los Alamitos Retarding Basin.*
- WQ-3 Prior to the issuance of building permits, the project developer shall submit to the City Engineer proof of payment of the City's drainage fees, as applicable.*
- WQ-4 Prior to the issuance of grading permits, the Project Developer shall provide and submit measures for approval by the City Engineer which shall ensure that all structures located within project boundaries, subject to flooding from 100-year storm events, are constructed on a pad of earth elevated at least one foot above 100-year flood elevations. This requirement will be monitored and enforced by the City Engineer.*

The Commission also previously imposed Special Conditions 7, 23 and 24 under CDP 5-97-367, as amended, which require the applicant to construct a water quality bio-swale and detention basin. The location of the required basin is identified in Special Condition 24 of CDP 5-97-367, as amended. This basin would filter and detain nuisance and storm flows from an approximately 43 acre drainage area including the residential area, a portion of Gum Grove Park (where the required parking lot is to be located) and a portion of Seal Beach Boulevard, prior to discharge into the LARB and the San Gabriel River.

In order to assure that the project would not have any adverse flooding impacts, the mitigation measures previously required and approved by the Commission must be in place and functional. Therefore, the Commission imposes Special Condition 1 which requires implementation of the flood control measures prior to issuance of CDP 5-01-288. The Commission also imposes Special Condition 8 which requires submittal of final plans demonstrating conformance with flood control requirements. Plans which do not substantially conform with previously submitted plans shall require an amendment or new permit unless the Executive Director determines that no amendment or new permit is required.

The Commission has reviewed and modified the proposed project to conform with the hazard mitigation policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act as it pertains to flood hazards..

H. NEW DEVELOPMENT

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

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development is generally located upon an approximately 196.6 acre site that is essentially undeveloped except for about 28.2 acres of oil production facilities and small structures housing the property owner's offices. The development would be confined to an approximately 20 acre area on and around the uplands adjacent to Seal Beach Boulevard. Thus, the subject site is one of a few remaining, privately owned vacant pieces of land along the Southern California coast. The proposed development involves the construction of homes, landscaping and other appurtenances within a subdivision previously approved by the Commission. The proposed development is less dense and intense than previous development proposals for the subject site. Although the site itself is largely undeveloped, the subject site is surrounded by other urban residential, commercial and industrial development where there are existing arterial roads and major infrastructure which would serve the proposed development. Thus, the proposed

development is located within an existing developed area able to accommodate it. In addition, the Commission has imposed special conditions under CDP 5-97-367, as amended, and under this permit which are designed to address adverse impacts upon coastal resources and public access. These measures will assure that the project would not have any individual or cumulative impact upon coastal resources.

The Commission has reviewed and modified the proposed project to conform with the biological resource, visual resource, public access protection, and hazard mitigation policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30250 of the Coastal Act.

I. ARCHAEOLOGICAL 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.

The Hellman Ranch site contains eleven State-identified cultural resources sites. Two of these sites would be left untouched in their current location in Gum Grove Park. However, the grading approved under CDP 5-97-367, as amended, for the residential subdivision would impact seven of the other designated archaeological sites. In addition, construction of the bio-swale and detention basin, also approved under CDP 5-97-367, as amended, would potentially impact two additional sites. In order to address these impacts and to assure consistency with Section 30244 of the Coastal Act, the Commission imposed Special Condition 19 which required the applicant to undertake the proposed archeological investigation, established requirements related to selection of archeologists and Native American monitors, required post-investigation mitigation measures, monitoring of construction activities, and established requirements related to construction-phase discoveries of artifacts and human remains.

In order to assure that the permittee carries out the requirements of Special Condition 19 of CDP 5-97-367, as amended, the Commission imposes Special Condition 1 on this coastal development permit. Special Condition 1 incorporates the requirements of Special Condition 19 of CDP 5-97-367, as amended, and requires the permittee to satisfy all prior to issuance requirements of CDP 5-97-367, as amended before issuance of the subject permit. In addition, Special Condition 19 contains post-permit issuance requirements which are necessary to assure consistency with Section 30244 of the Coastal Act. Part C of Special Condition 19 requires the applicant to submit a post-investigation report which outlines mitigation measures that need to be undertaken. Part D of Special Condition 19 requires the applicant to undertake the mitigation measures outlined in the report required in Part C and requires the applicant to submit evidence of such compliance. These mitigation measures could require some modifications to the development proposed under CDP 5-01-288. In order to assure that the project area remains open and accessible to carry out

the mitigation measures, these measures must be undertaken prior to the commencement of construction of the development which is proposed under this permit. Therefore, Special Condition 1 requires the applicant to comply with the post-permit issuance requirements of Special Condition 19.C. and 19.D. prior to issuance of the subject permit. In addition, Special Condition 1 notified the applicant that any changes to the project required to comply with the requirements of CDP 5-97-367 may also require an amendment to CDP 5-01-288.

The Commission has reviewed and modified the proposed project to conform with the archeological resource protection policies of the Coastal Act. In order to assure that the permittee conforms with the project as submitted and conditioned by the Commission, to ensure that the Executive Director is notified of any changes to the project, and to ensure that the Commission reviews any changes to the project which may change the consistency of the project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 9. Special Condition 9 requires the permittee to conform with the project as modified by the Commission and notifies the permittee that changes to the project may require an amendment or new permit from the Commission. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30244 of the Coastal Act.

J. DEVELOPMENT AGREEMENT

The applicant has entered into a development agreement with the City of Seal Beach for the proposed development. California Government Code Section 65869 stipulates that development agreements shall not be applicable to development in the coastal zone unless, prior to certification of the local coastal program ("LCP") for the jurisdiction in which the development is located, the Commission, through formal action, approves the development agreement.

Since the LCP for the City of Seal Beach has not been certified, the Commission will have to approve the development agreement before the agreement can be effective. The development agreement was approved by the Commission as a separate hearing item at the November 2001 meeting.

K. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the permitted development will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter Three policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

L. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development is located in an urban area. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the biological, public access, hazard, water quality and archaeology policies of Chapter Three of the Coastal Act. The mitigation measures which apply to the project include: 1) conformance with requirements previously imposed by the Commission under CDP 5-97-367, as amended, necessary to assure the subdivision and grading of the site conform with Chapter 3 policies of the Coastal Act prior to issuance of the subject permit; 2) construction phase requirements to avoid impacts upon wetlands and adjacent sensitive habitat; 3) requirements related to the identification and siting of a construction staging area; 4) a requirement that the permittee revise the project plans to install fencing impervious to domestic animals, direct lighting away from sensitive habitat areas, install southern California native landscaping throughout the development (except on private residential lots where non-native plants that are non-invasive may be used), plant vegetation for visual screening and biological buffering, and revise the entry to facilitate public access; 5) conformance with requirements related to the appearance of the structures; 6) a requirement that the permittee agree to certain measures related to public access through the residential subdivision; 7) a requirement that the permittee execute and record a deed restriction regarding permit requirements for future development; 8) a requirement the permittee submit final plans in substantial conformance with previous plans; and 9) a requirement the permittee strictly conform with the project as modified by the special conditions above. The required mitigation measures will minimize all significant adverse effects which the activity will have on the environment.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of CEQA.

APPENDIX A: Substantive File Documents

1. COASTAL DEVELOPMENT PERMITS AND COMMISSION ACTIONS

- A. Coastal Conservancy Project #1-82; Approved 4/22/82
- B. 5-82-221 (Ponderosa Homes); withdrawn 11/17/82
- C. 5-89-514 (MOLA Development Corporation); denied 11/14/89
- D. 5-89-1087 (MOLA Development Corporation); approved 1/12/90
- E. 6-90-219 [Batiquitos Lagoon restoration and enhancement]
- F. 5-97-367 (Hellman Properties LLC); approved September 9, 1998
- G. 5-97-367-A1 (Hellman Properties LLC); approved October 11, 2000

2. WETLAND AND BIOLOGICAL RESOURCES DOCUMENTS

- A. An Assessment of Wetland Resources Within the City of Seal Beach South of the San Gabriel River, prepared by Bob Radovich of the California Department of Fish and Game, June 1980.
- B. Determination of the Status of Wetlands Within the City of Seal Beach, Immediately South and East of the San Gabriel River Channel (Ponderosa Seal Beach Wetlands), prepared by the California Department of Fish and Game, January 13, 1982.
- C. Conceptual Wetlands Restoration Plan for the Hellman Ranch dated November 1997 prepared by Moffatt & Nichol Engineers in association with Coastal Resources Management.
- D. Addendum to Concept Wetlands Restoration Plan for the Hellman Ranch dated February, 1998 prepared for Hellman Properties LLC by Moffatt & Nichol Engineers (M&N) File: 3693) in association with Coastal Resources Management
- E. Hellman Ranch Wetland Restoration Feasibility Study dated July 20, 1998 prepared for The Port of Long Beach by Moffatt & Nichol Engineers (M&N File: 3693)
- F. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated September 11, 2000, regarding Response to June 19, 2000, letter from the California Department of Fish and Game Regarding Biological Resources at Hellman Ranch.
- G. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated June 28, 2000, regarding Biological Benefits

of Proposed Wetland Treatment System, CDP 5-97-367-A1, Hellman Ranch Property, Orange County, California.

- H. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes dated January 6, 2000, regarding Results of Biological Resources Review and Analysis of Wetland Impacts Associated with 18.4-Acre Portion of the Hellman Ranch Property, Orange County, California.
- I. Letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes dated February 23, 2000, and revised July 14, 2000, regarding Results of Focused Surveys Conducted for Western Burrowing Owl on 18.4-acre Portion of the Hellman Ranch Property, Orange County, California.

3. WATER QUALITY DOCUMENTS

- A. State Water Resources Control Board Order No. 99-08-DWQ, National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity.
- B. California Regional Water Quality Control Board, Santa Ana Region, Order No. 96-31, NPDES No. CAS618030, Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region, Areawide Urban Storm Water Run-off, Orange County.
- C. Orange County NPDES Stormwater Program, Drainage Area Management Plan, April 1993.
- D. Storm Water Management & Water Quality Control Plan, prepared for Hellman Properties LLC and John Laing Homes, prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000.
- E. Water Quality Management Plan (WQMP), Tract 15402, Hellman Ranch, prepared for John Laing Homes by MDS Consulting of Irvine, California, dated January 2000.

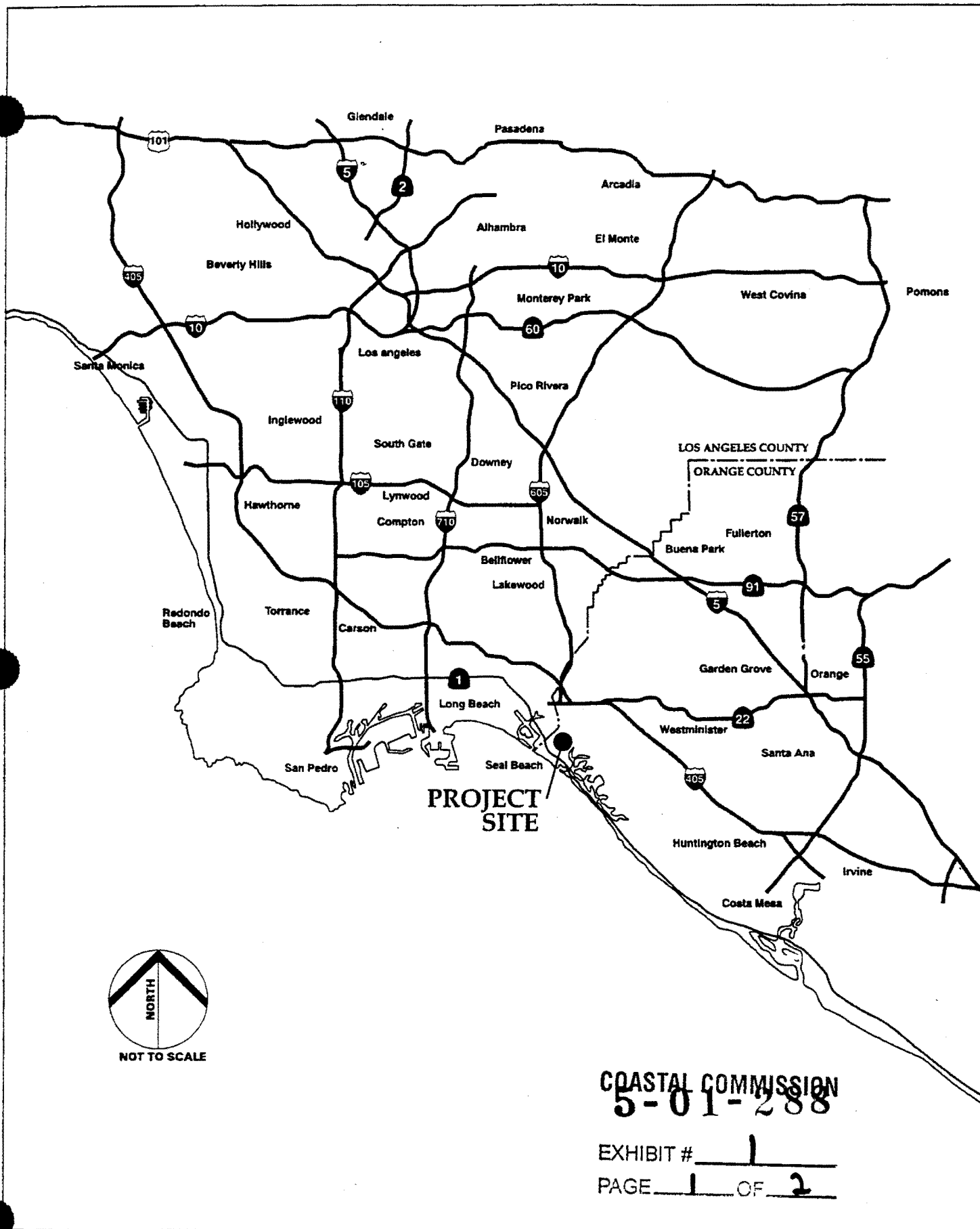
4. OTHER DOCUMENTS

- A. Final Environmental Impact Report for the Hellman Ranch Specific Plan dated August 1997 prepared by P&D Consultants for the City of Seal Beach (State Clearinghouse No. 96121009) and certified by City of Seal Beach City Council Resolution 4562 on September 19, 1997.
- B. "Development Agreement by and Between the City of Seal Beach and Hellman Properties, LLC Relative to the Development known as the Hellman Ranch" dated October 27, 1997; as amended by the City Council of Seal Beach on April 9, 2001, and administratively amended on September 2001.

- C. A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area dated November 1997 prepared by KEA Environmental, Inc. for the City of Seal Beach

APPENDIX B: Local Approvals

- 1) City of Seal Beach City Council Resolution 4570 approving Tentative Tract Map No. 15381 (subdivision of site into 9 lots)
- 2) City of Seal Beach City Council Resolution 4571 approving Tentative Tract Map No. 15402 (Residential subdivision);
- 3) City of Seal Beach Ordinance 1420 adopting the Hellman Ranch Specific Plan
- 4) City of Seal Beach Resolution 4562 approving the Final Environmental Impact Report for the Hellman Ranch Specific Plan; October 27, 1997
- 5) City of Seal Beach Ordinance 1471 approving the First Amended and Restated Development Agreement between the City of Seal Beach and Hellman Properties LLC, April 9, 2001 and administratively revised September 2001.
- 6) City of Seal Beach, Approval-in-concept of revised Tentative Tract Map No. 15402 (Residential subdivision) dated April 26, 2000.
- 7) City of Seal Beach Ministerial Approval of Administrative Amendments to the Hellman Ranch Specific Plan dated May 5, 2000;
- 8) City of Seal Beach, Approval-in-concept of June 15, 2001.

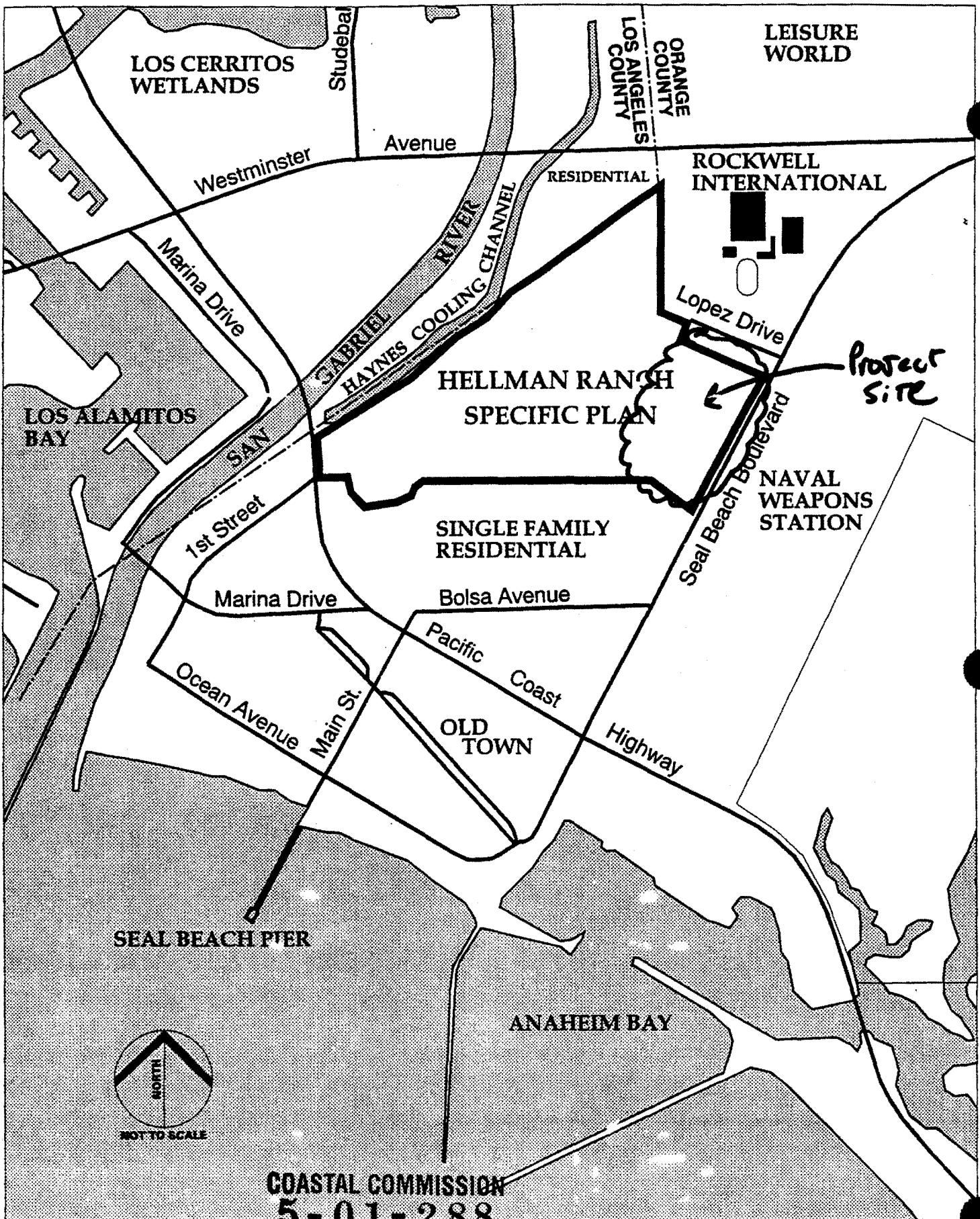


REGIONAL LOCATION MAP

HELLMAN RANCH SPECIFIC PLAN

FIGURE NO. 3-1

PAGE NO. 3-2



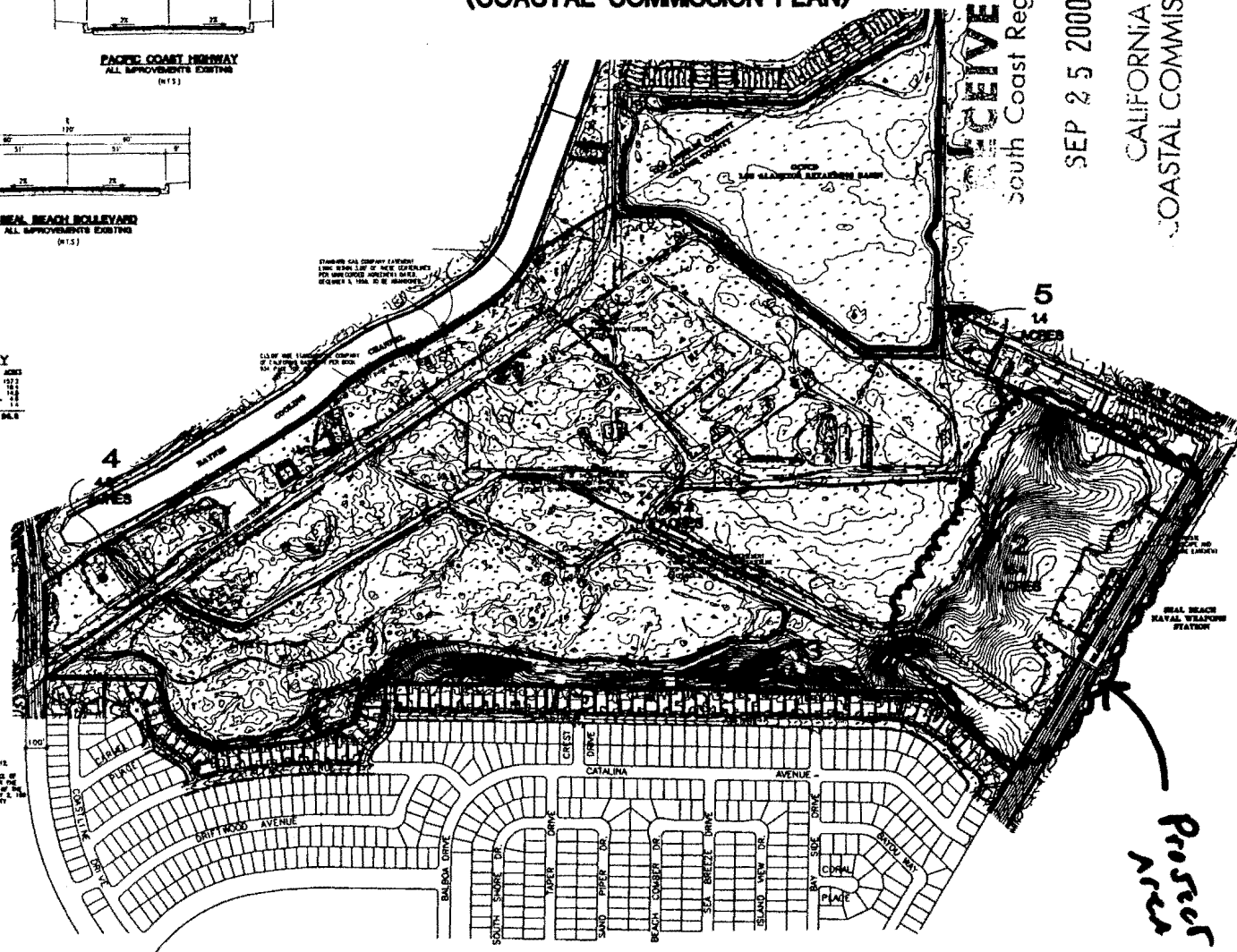
COASTAL COMMISSION
5-01-288

EXHIBIT # 1
PAGE 2 OF 2

LOCAL AREA MAP

HELLMAN RANCH SPECIFIC PLAN

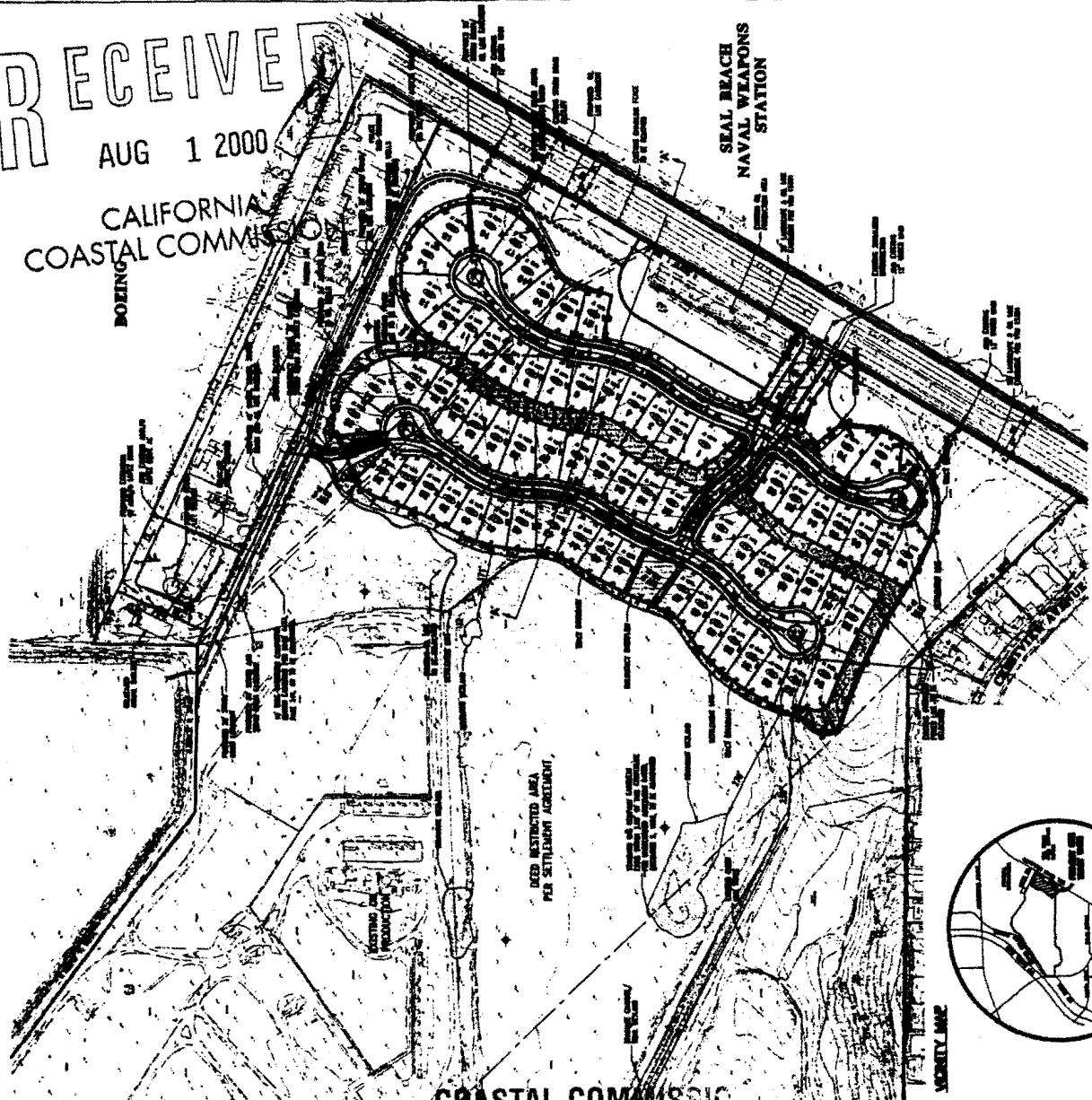
FIGURE NO. 3-2
PAGE NO. 3-3

CALIFORNIA
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Project Area

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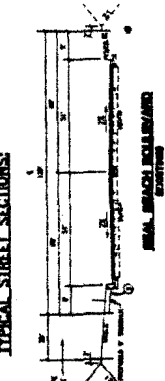
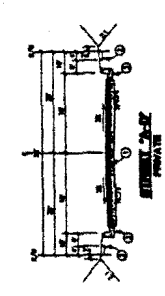
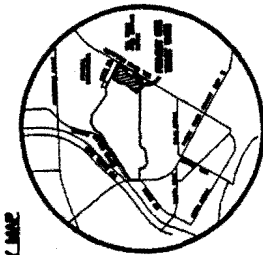
HELLMAN RANCH
TENTATIVE TRACT NO. 15402
VESTING TENTATIVE TRACT No. 15402
CITY OF SEAL BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA
SHEET 1 OF 1

LEGAL DESCRIPTION
INCORPORATION BY REFERENCE
TENTATIVE TRACT NO. 15402
HELLMAN RANCH

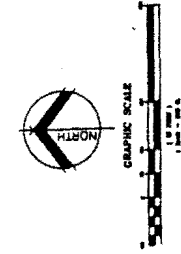
GENERAL INFORMATION
1. The project is located within the boundaries of the Hellman Ranch, as shown on the attached map.
2. The project is subject to the provisions of the California Coastal Act of 1972, as amended.
3. The project is subject to the provisions of the California Coastal Commission's rules and regulations.
4. The project is subject to the provisions of the California Coastal Commission's policies and procedures.
5. The project is subject to the provisions of the California Coastal Commission's standards and criteria.

EXHIBIT # 2
PAGE 2 OF 2
LAND USE SUMMARY
STREET SECTION NOTES
OWNER
APPLICANT & DEVELOPER
CITY DEVIATIONS

LEGEND
1. Project Area
2. Project Boundary
3. Project Subdivisions
4. Project Streets
5. Project Features
6. Project Notes
7. Project Maps
8. Project Plans
9. Project Documents
10. Project Records



PREPARED FOR:
JOHN LAING HOMES
PREPARED BY:
MDS
PLANNING SERVICES



NO.	DATE	REVISION
1	08/01/00	ISSUED FOR REVIEW
2	08/01/00	ISSUED FOR REVIEW
3	08/01/00	ISSUED FOR REVIEW
4	08/01/00	ISSUED FOR REVIEW
5	08/01/00	ISSUED FOR REVIEW
6	08/01/00	ISSUED FOR REVIEW
7	08/01/00	ISSUED FOR REVIEW
8	08/01/00	ISSUED FOR REVIEW
9	08/01/00	ISSUED FOR REVIEW
10	08/01/00	ISSUED FOR REVIEW

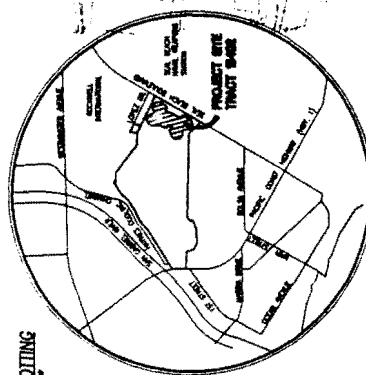


COASTAL COMMISSION
CALIFORNIA
AUG 15 2001

AUG 15 2001

South Coast Region

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TYPICAL PLOTTING

SITE SUMMARY

THE JOURNAL OF THE

NAME	NUMBER OF LOTS	TOTAL NUMBER OF LOTS
...

CRUISING AND SCENE
STREETS.
IDEAL

100

Reference: (LDS - 70)

STREET (LONG A-D)
TOWN

BUILDING HEIGHT:
MINIMUM LOT SIZE:

INSTALLING SIZE:

PLAN 2 1
PLAN 2 1
PLAN 2 1

References

PLAN 3	PLAN 2	PLAN 1
PLAN 3	PLAN 2	PLAN 1
PLAN 3	PLAN 2	PLAN 1

11

TECHNICAL

TRACT NO.

CITY OF SEASIDE

PREPARED FOR-

辛巳

三

SALVO JERICHO

100

TECHNICAL SITE PLAN

HEILMAN RANCH

TRACT NO. 15402

CITY OF SEAL BEACH

PREPARED FOR:

PREPARED BY:

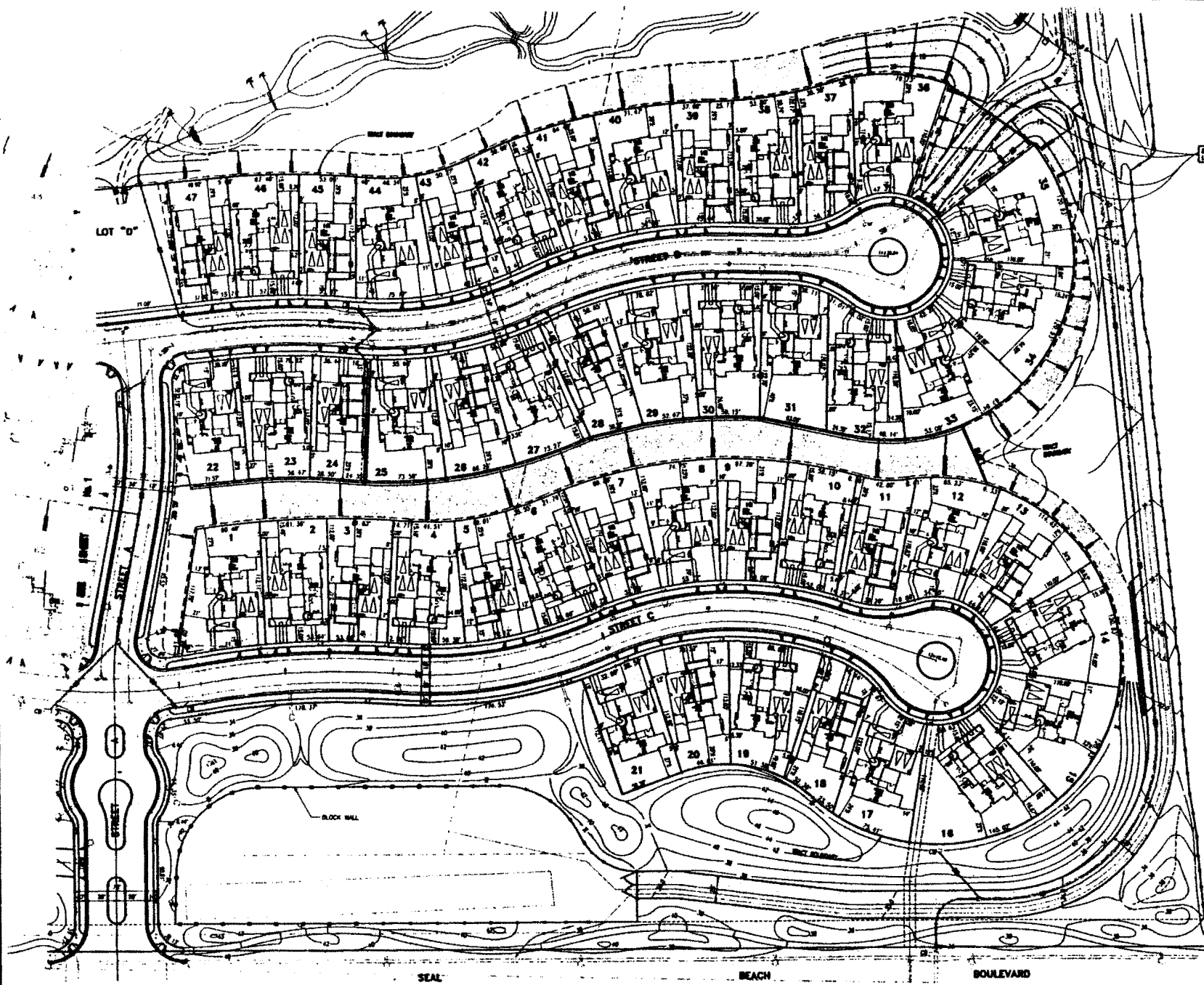
502

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5-01-28

EXHIBIT # 3

PAGE 1 OF 2



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 EXHIBIT # 3
 NOISSIMMO TALSVOO 5-01-288
 COASTAL COMMISSION
 101 51 GNR PAGE 2 OF 2

- LEGEND**
- POSSIBLE ON STREET PARKING AREA (8'x 22')
 - TRACT BOUNDARY
 - 5:1 SLOPE MAX
 - FINISH DRIVE CONTOUR
 - CATCH BASIN
 - LOT NUMBER
 - PLAN NUMBER "REVERSE"
 - RETAINING WALL PER GRADING PLAN
 - FIRE HYDRANT
 - STREET LIGHT
 - STORM DRAIN
 - LIMITS OF GRADING & EASEMENT LINE
 - BLOCK WALL

TECHNICAL SITE PLAN
 HELLMAN RANCH
 TRACT NO. 15402
 CITY OF SEAL BEACH

PREPARED FOR:



John Laing Homes

PREPARED BY:



CLARENCE ENGINEERS ASSOCIATES

HELLMAN RANCH

SEAL BEACH, CALIFORNIA
TENTATIVE TRACT NO. 15402

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PLAN 2

PLAN 1

PLAN 2

PLAN 3

STREETSCAPE

PLANNING DEPARTMENT DESIGN SUBMITTAL

MAY 23, 2001

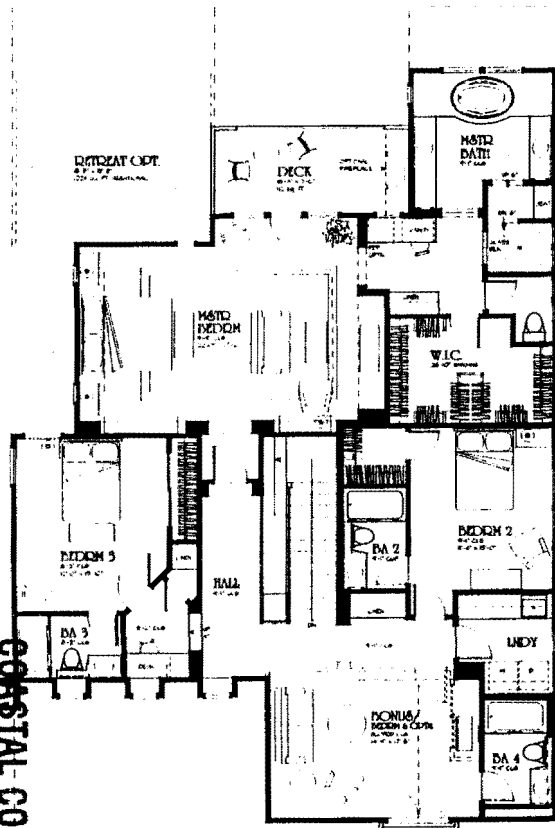
Dahlin Group, Inc.
Architects & Planners
4671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8586
925.837.2543 fax

John Laing Homes
Builder
895 Dove Street, Suite 110
Newport Beach, CA 92660
949.476.9090
949.476.9098 fax

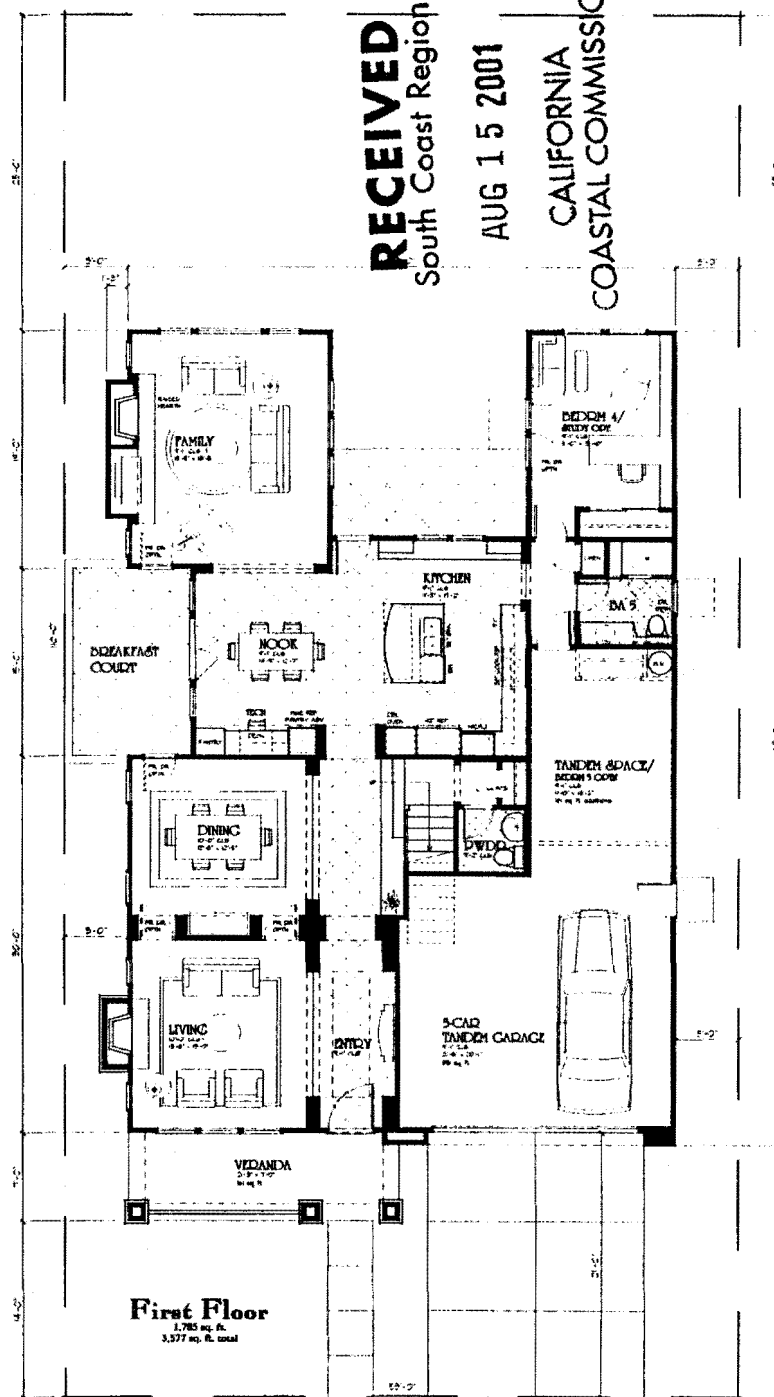
Urban Arena
Landscape Architect
4611 Teller Ave.
Newport Beach, CA 92660
949.231.8200
949.263.8814 fax

MDS Consulting
Civil Engineer
17320 Redhill Ave., Suite 350
Irvine, CA 92614
949.231.8821
949.231.0216 fax

COASTAL COMMISSION
5-01-288
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PAGE 1 OF 13



Second Floor
1,792 sq. ft.



First Floor
1,785 sq. ft.
3,577 sq. ft. total

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COASTAL COMMISSION

PLAN ONE
1/4" = 1'-0" MAY 23, 2001

DAHLIN GROUP
ARCHITECTS • PLANNERS

3671 Glen Canyon Rd. San Ramon, CA 94583
Tel: 925-377-2540 Fax: 925-377-2540

COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 2 OF 13

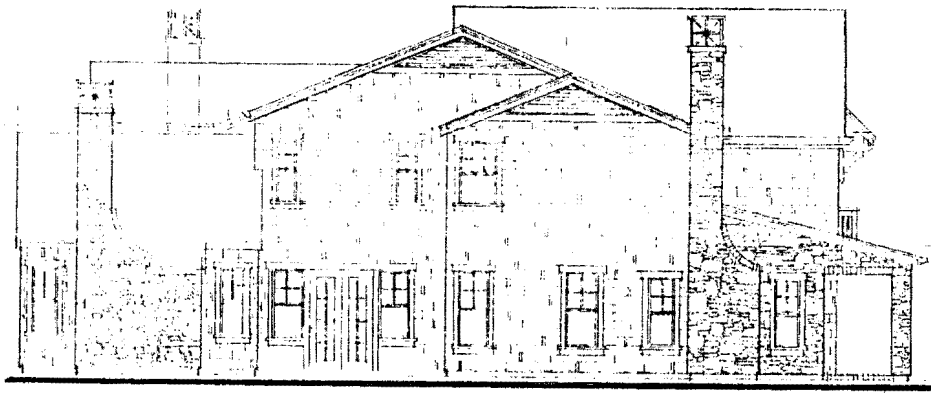
HELLMAN RANCH Seal Beach, CA.

John Laing Homes

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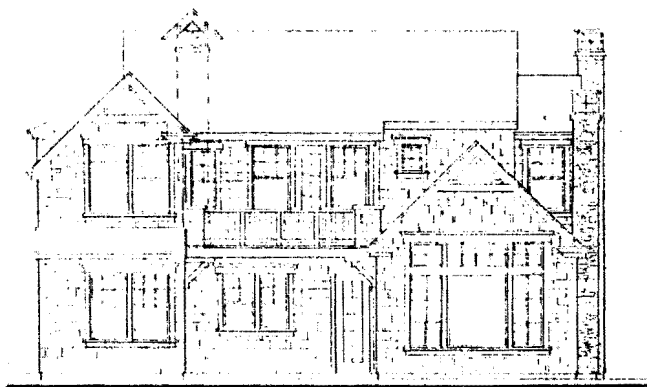
CALIFORNIA
HISTORICAL COMMISSION



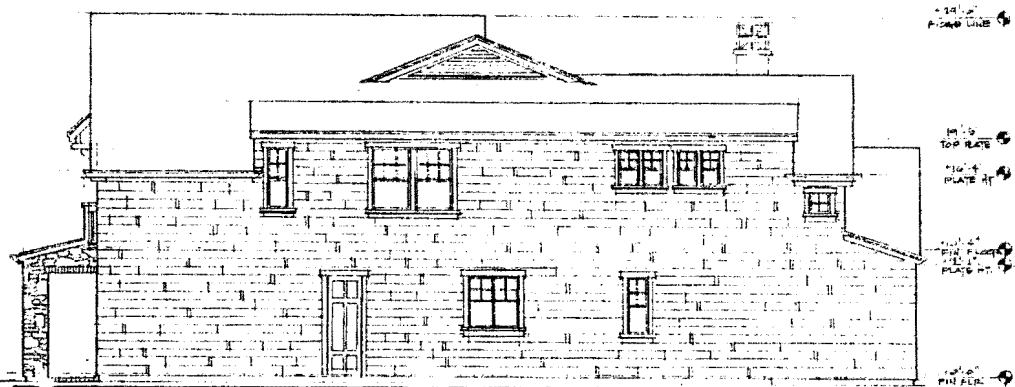
LEFT SIDE



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RIGHT SIDE

COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 3 OF 13

HELLMAN RANCH

Seal Beach, CA.

John Laing Homes

COTTAGE STYLE

- SHINGLE SIDING
- DIMENSIONAL COMPOSITION SHINGLE ROOFING
- WOOD WINDOW TRIM
- SECTIONAL GARAGE DOORS
- WOOD SHUTTERS
- STONE WAINSCOT

**PLAN ONE
COTTAGE**

MAY 23, 2001

DAHLIN GROUP
ARCHITECTS • PLANNERS

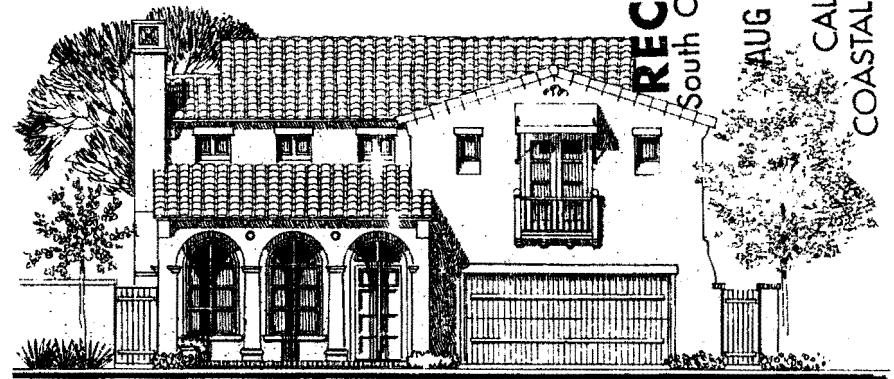
3401 Cove Canyon Rd.
925 837 8786

Seal Beach, CA 94583
925 837 2543 fax

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 CALIFORNIA
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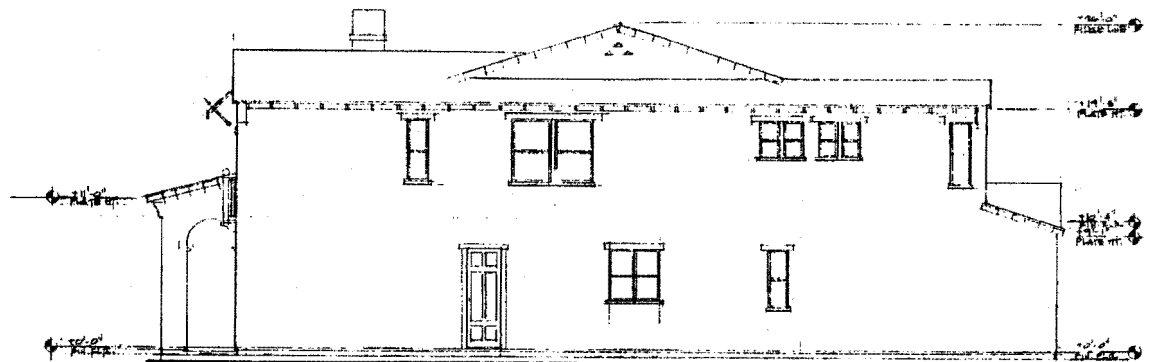
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PAGE 4 OF 13
 EXHIBIT # 4
 COASTAL COMMISSION
 5-01-2583
 HILLMAN RANCH
 John Hillman Homes

HILLMAN RANCH Seal Beach, CA.

- SPANISH STYLE
- SMOOTH STUCCO FINISH
 - CONCRETE "S" TILE ROOFING
 - RECESSED WINDOWS WITH WOOD HEAD TRIM

- SECTIONAL WOOD GARAGE DOORS
- WROUGHT-IRON RAILING
- SHAPED JAS WOOD RAFTER EXTENSIONS

PLAN ONE
 SPANISH
 MAY 23, 2001

DAHLIN GROUP
 ARCHITECTS • PLANNERS

2621 Dahlia Avenue, Suite 102
 San Ramon, CA 94583
 925.837.8543 Fax

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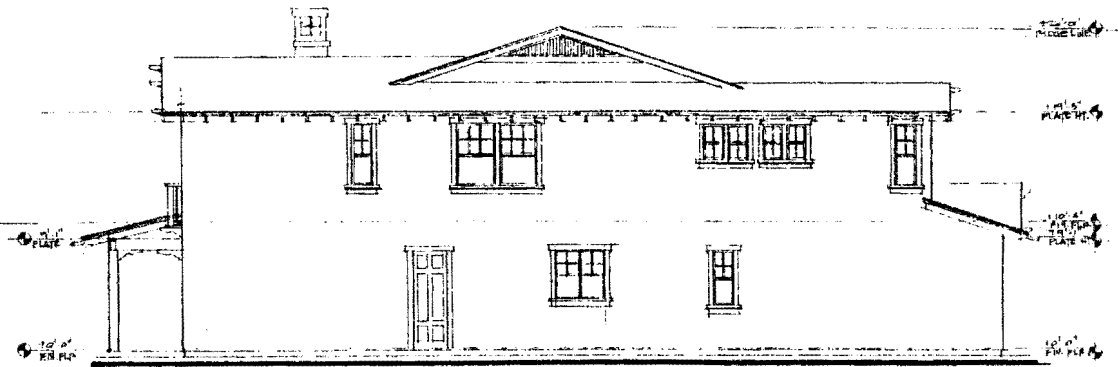
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COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 5 OF 13

HELEMAN RANCH Seal Beach, CA.

John Laing Homes

- CRAFTSMAN STYLE**
- HORIZONTAL LAP & SMOOTH STUCCO SIDING
 - DIMENSIONAL COMPOSITION SHINGLE ROOFING
 - WOOD WINDOW TRIM
 - SECTIONAL WOOD GARAGE DOOR

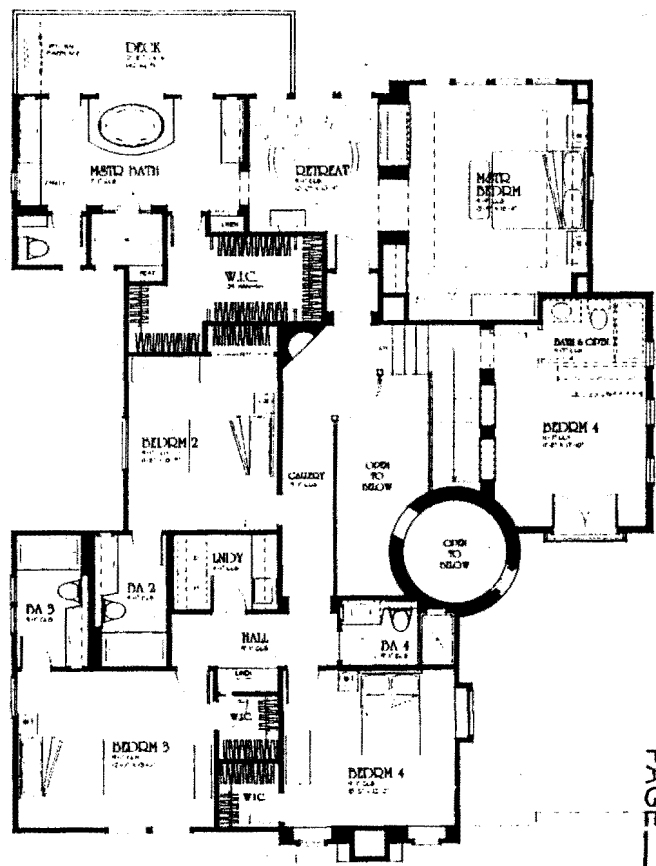
- WOOD RAILING AND POSTS
- STONE WAINSCOT
- SHAPED 1x8 WOOD RAFTER EXTENSIONS

PLAN ONE CRAFTSMAN
MAY 23, 2001

DAHLIN GROUP
ARCHITECTS • PLANNERS

2671 Corte Canyon Rd. San Ramon, CA 94583
925.837.8396 925.837.2543 fax

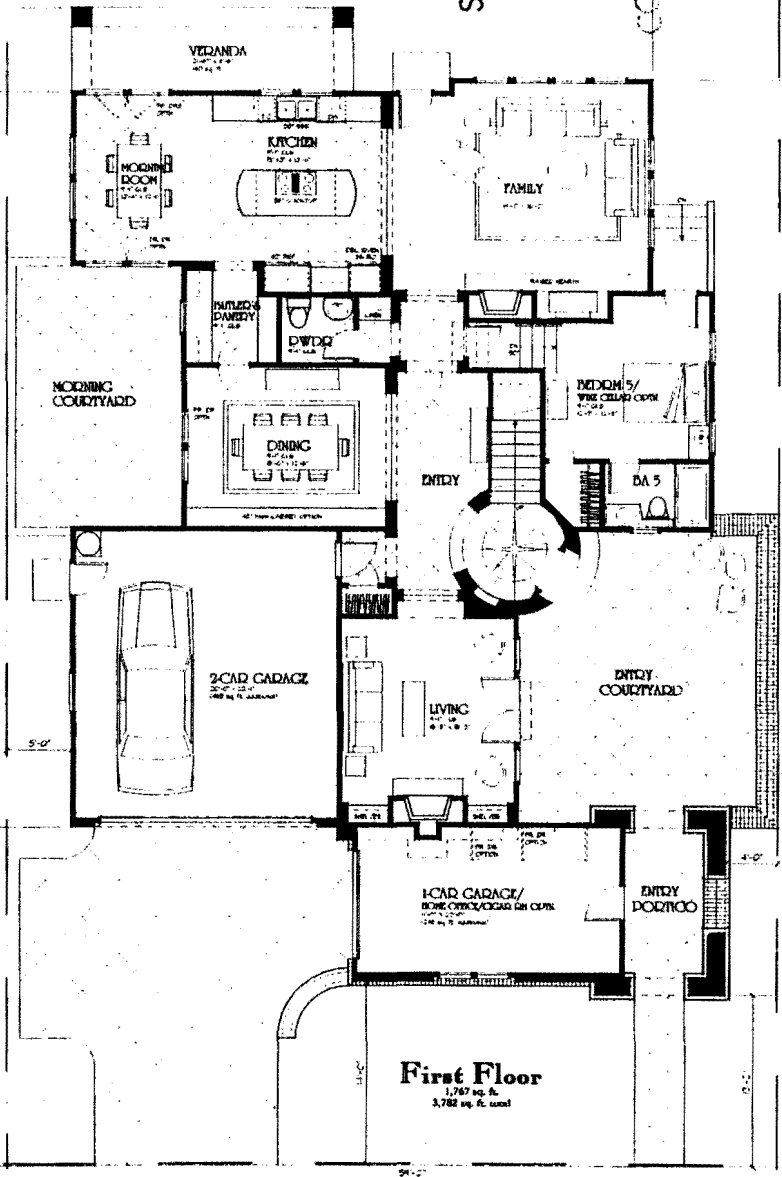
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Second Floor
 2,015 sq. ft.

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 PAGE 6 OF 13

HELLMAN RANCH Seal Beach, CA.
 John Lair Homes

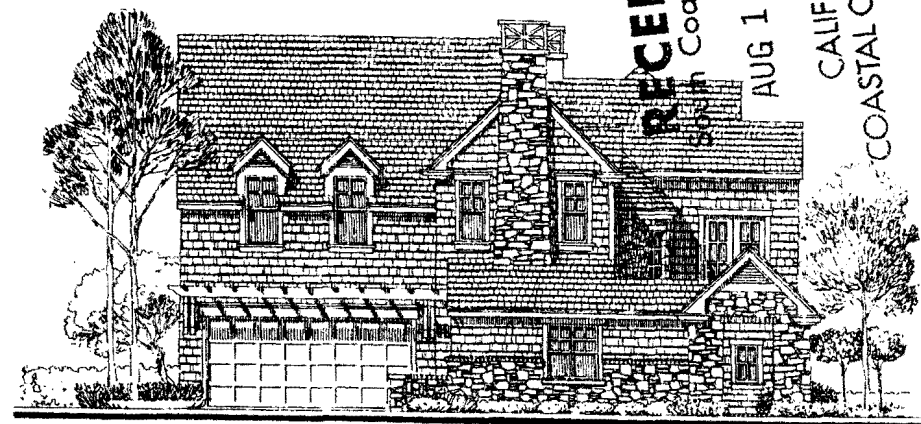


First Floor
 1,767 sq. ft.
 3,782 sq. ft. total

PLAN TWO
 1/4" = 1'-0" MAY 23, 2001
DAHLIN GROUP
 ARCHITECTS • PLANNERS
 10000 Canyon Rd.
 San Ramon, CA 94583
 925.837.2343 fax



LEFT SIDE



FRONT



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RIGHT SIDE

PAGE 7 OF 12
 EXHIBIT # 4
 COASTAL COMMISSION
 2-01-2889

MEELMAN RANCH

Seal Beach, CA.

John Lang Homes

COTTAGE STYLE

- SHINGLE SIDING
- DIMENSIONAL COMPOSITION SHINGLE ROOFING
- WOOD SHUTTERS
- WOOD WINDOW TRIM
- SECTIONAL GARAGE DOORS
- STONE WAINSCOT

PLAN TWO
 COTTAGE

MAY 23, 2001

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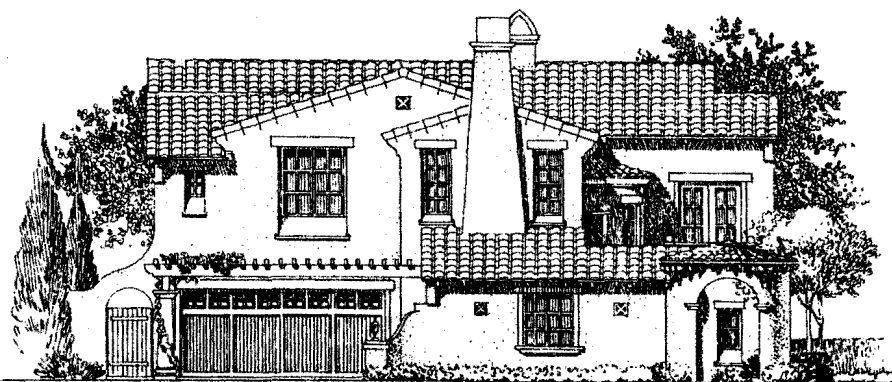
3671 Cone Canyon Rd
 925 837 8286

San Ramon, CA 94583
 925 837 2543 fax

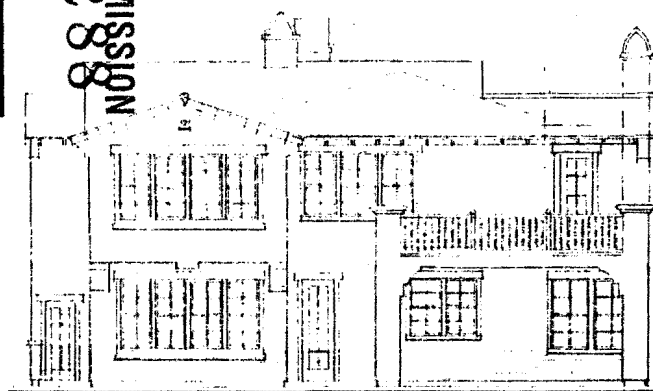
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RIGHT SIDE

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HELLMAN RANCH Seal Beach, CA.

John King Homes

SPANISH STYLE

- SMOOTH STUCCO FINISH
- CONCRETE "S" TILE ROOFING
- RECESSED WINDOWS WITH WOOD HEAD TRIM

- SECTIONAL WOOD GARAGE DOORS
- WROUGHT IRON RAILING
- SHAPED 3x5 WOOD RAFTER EXTENSIONS

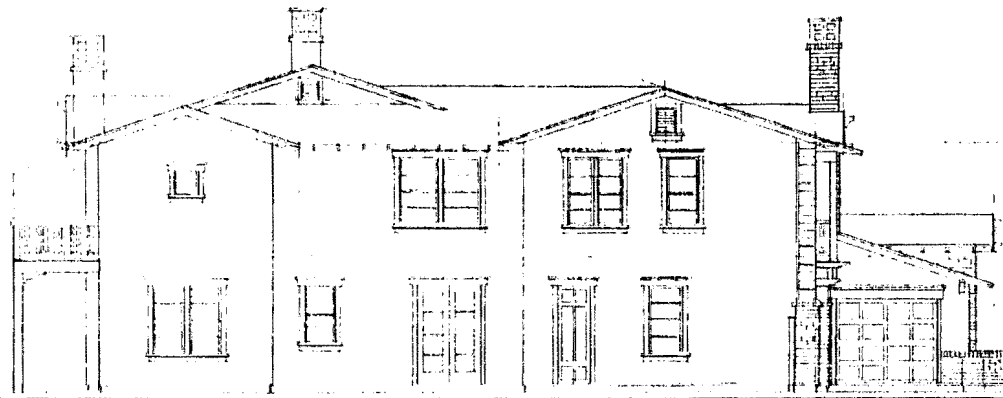
**PLAN TWO
SPANISH**

MAY 23, 2001

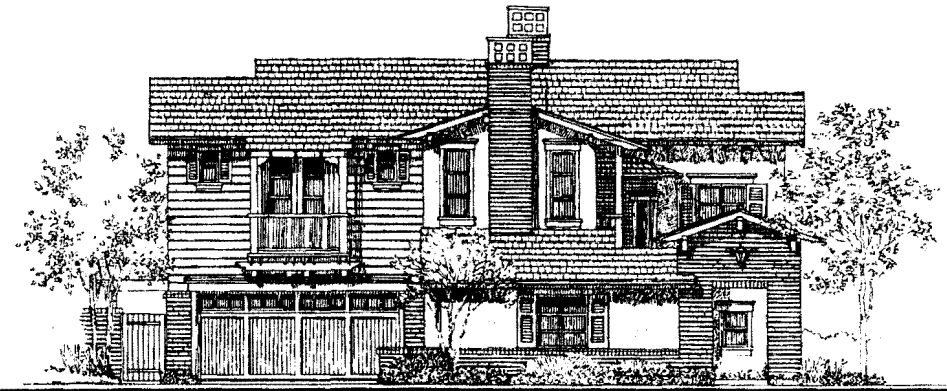
DAHLIN GROUP
ARCHITECTS • PLANNERS

2671 Cedar Canyon Rd.
925

Seal Beach, CA 92683
925.637.2543 fax

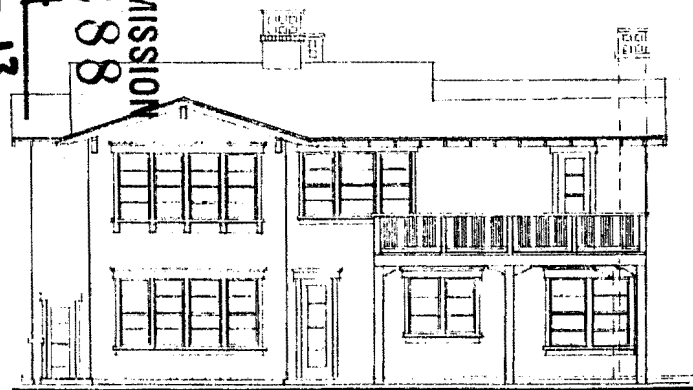


LEFT SIDE



FRONT

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PAGE 9 OF 13



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RIGHT SIDE

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HELLMAN RANCH Seal Beach, CA.

John Laing Homes

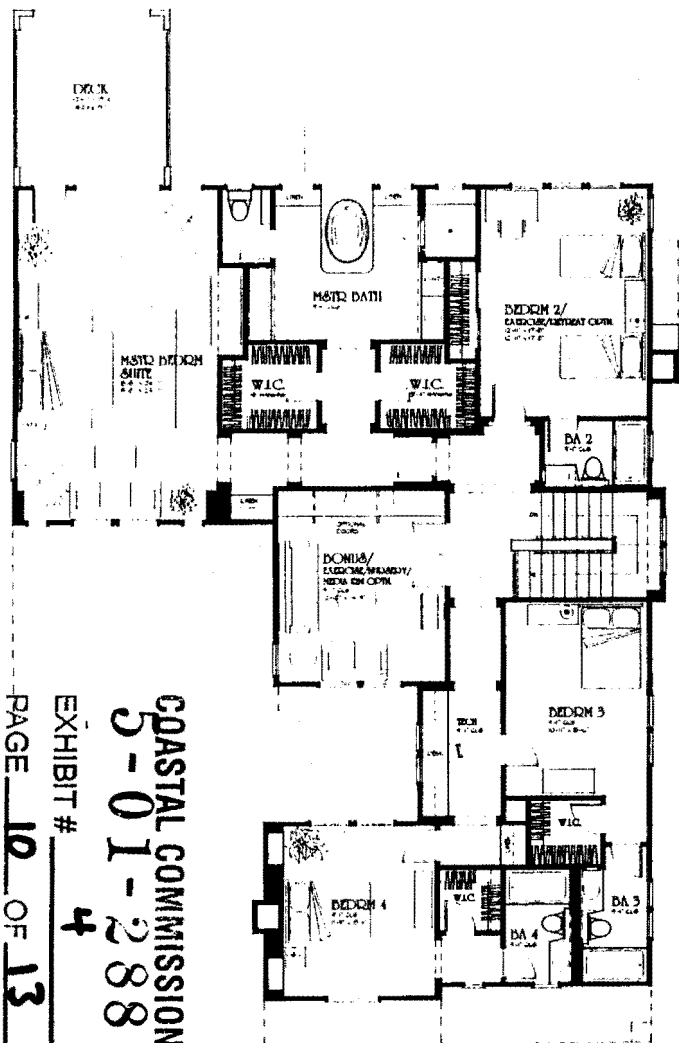
MONTEREY STYLE
• HORIZONTAL LAP & SMOOTH STUCCO SIDING
• FLAT CONCRETE HLF ROOFING
• WOOD WINDOW TRIM & SHUTTERS

• USED BRICK WAINSCOT WITH JUICY JOINTS
• WOOD RAILING AND POSTS
• SHAPED 3/4" WOOD RAFTER EXTENSIONS
• SECTIONAL GARAGE DOORS

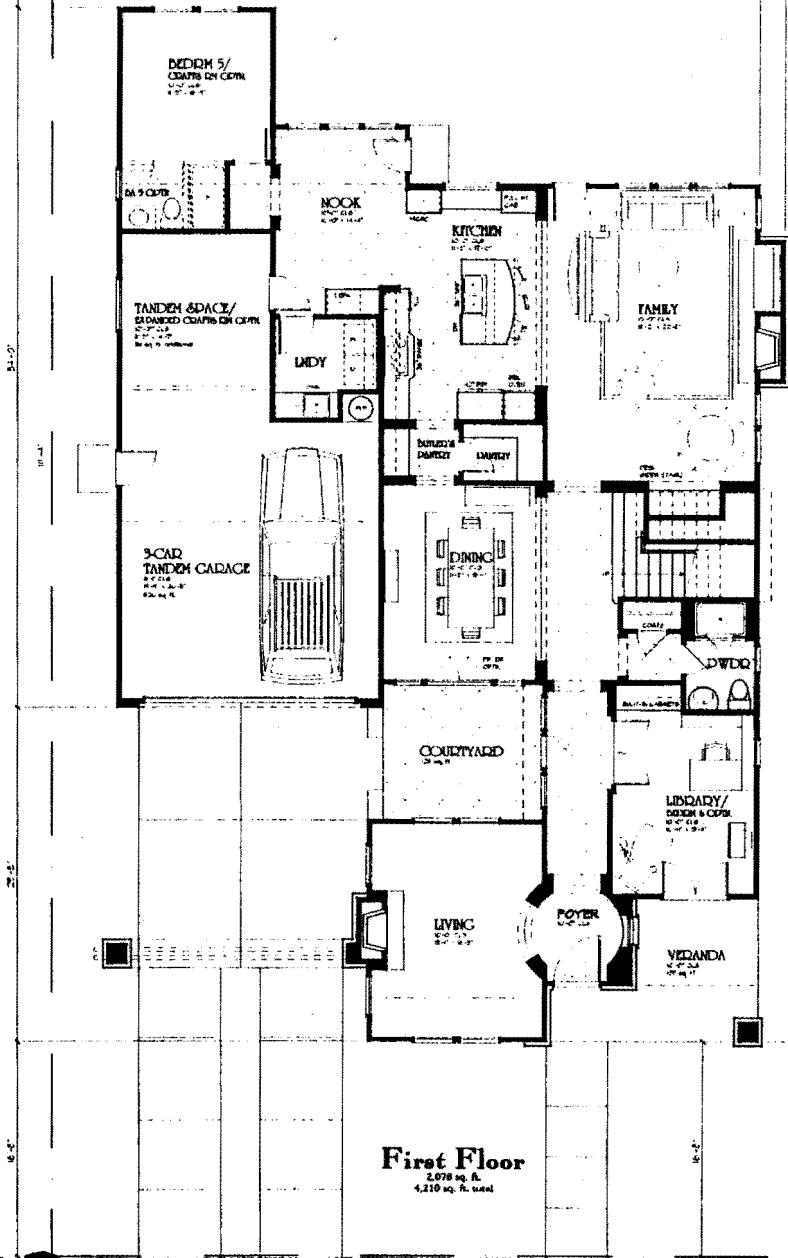
PLAN TWO
MONTEREY
MAY 23, 2001

DAHLLIN GROUP
ARCHITECTS • PLANNERS

2671 Cass Chapman Rd. San Ramon, CA 94583
925.837.8226 925.837.2543 fax



Second Floor
2,132 sq. ft.



First Floor
2,078 sq. ft.
4,210 sq. ft. total

HELLMAN RANCH Seal Beach, CA.
John L. Baird Homes

COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 10 OF 13

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AUG 15 2001

CALIFORNIA
COASTAL COMMISSION

PLAN THREE
1/4" = 1'-0" MAY 23, 2001

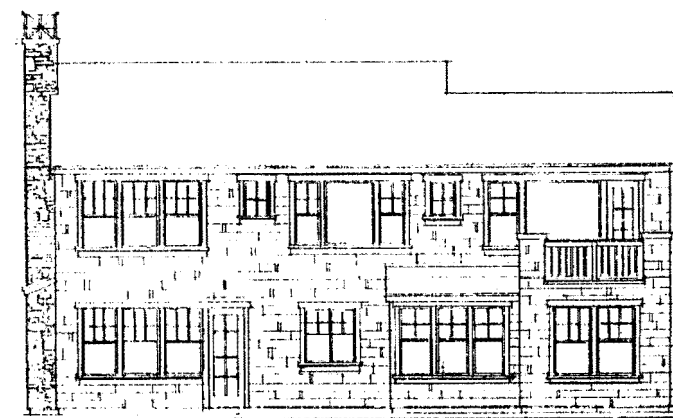
DAHLIN GROUP
ARCHITECTS - PLANNERS
San Ramon, CA 94583
925.837.5143 fax



LEFT SIDE



FRONT



REAR



RIGHT SIDE

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South Coast Region

AUG 15 2001

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COASTAL COMMISSION

EXHIBIT # 4
PAGE 11 OF 13

COASTAL COMMISSION
3-01-28

PLAN THREE
COTTAGE
MAY 23, 2001

DAHIN GROUP
ARCHITECTS • PLANNERS

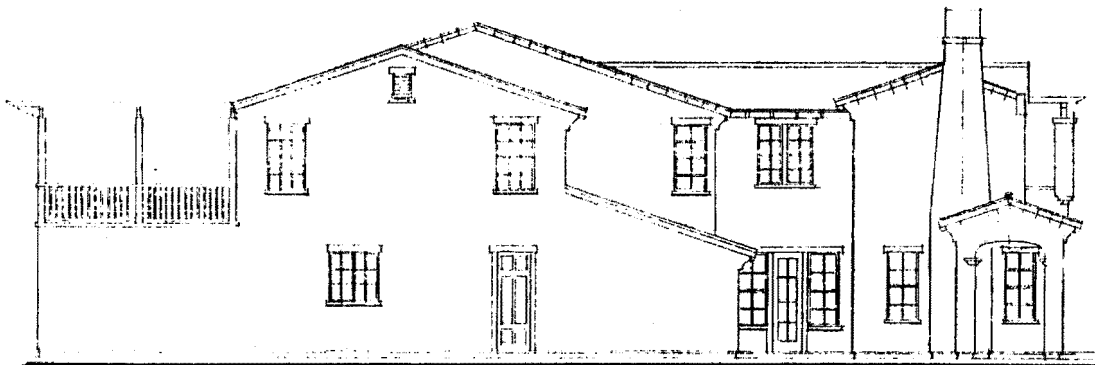
3671 Cove Canyon Rd. San Ramon, CA 94583
925.337.8266 925.337.2543 fax

HELLMAN RANCH Seal Beach, CA.

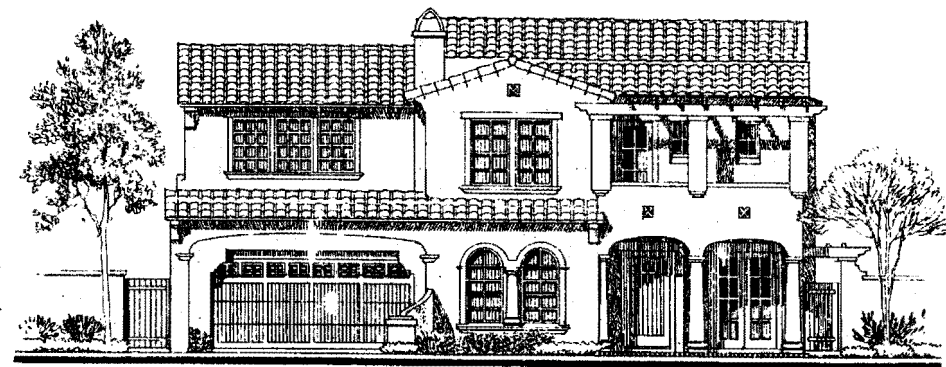
John Laing Homes

- COTTAGE STYLE
- SHINGLE SIDING
 - DIMENSIONAL COMPOSITION SHINGLE ROOFING
 - WOOD WINDOW TRIM

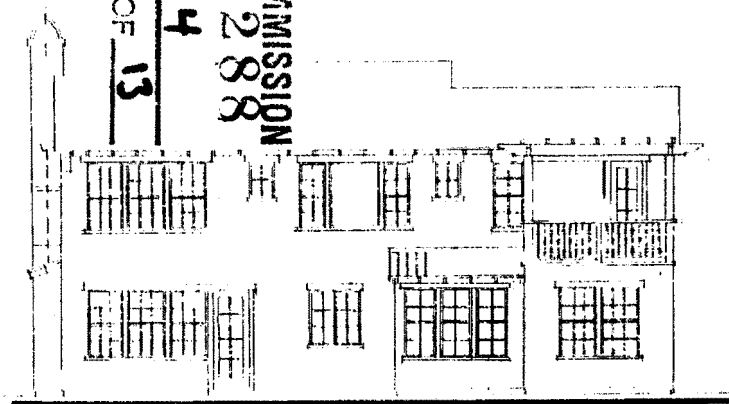
- SECTIONAL GARAGE DOORS
- WOOD SHUTTERS
- STONE WAINSCOT



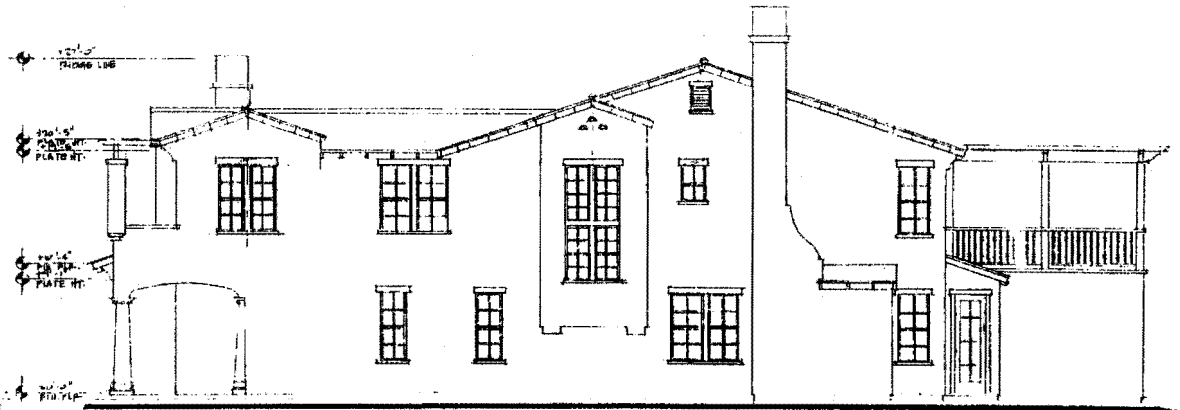
LEFT SIDE



FRONT



REAR



RIGHT SIDE

COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 12 OF 13

HELLMAN RANCH Seal Beach, CA.

John Laing Homes

SPANISH STYLE
• SMOOTH STUCCO FINISH
• CONCRETE "S" TILE ROOFING
• RECESSED WINDOWS WITH WOOD HEAD TRIM

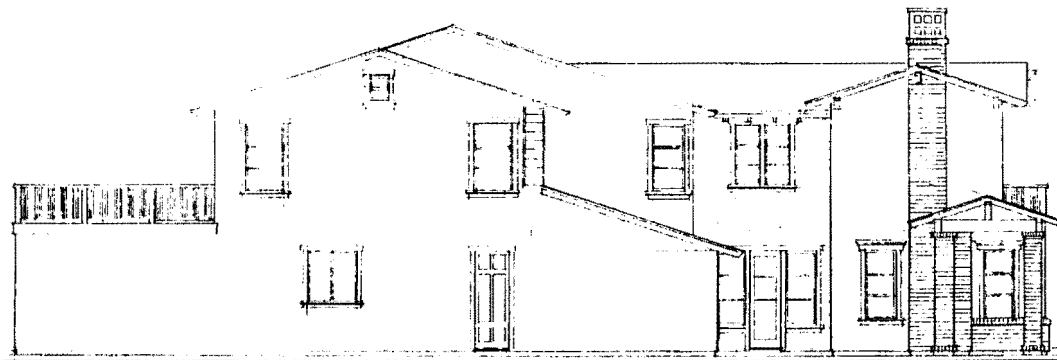
• SECTIONAL WOOD GARAGE DOORS
• WROUGHT IRON RAILING
• SHAPED JAS WOOD RAFTER EXTENSIONS

PLAN THREE
SPANISH
MAY 23, 2001

DAHLIN GROUP
ARCHITECTS • PLANNERS

2011 Cone Canyon Rd
925.837.8286

San Ramon, CA 94583
925.837.2143 fax



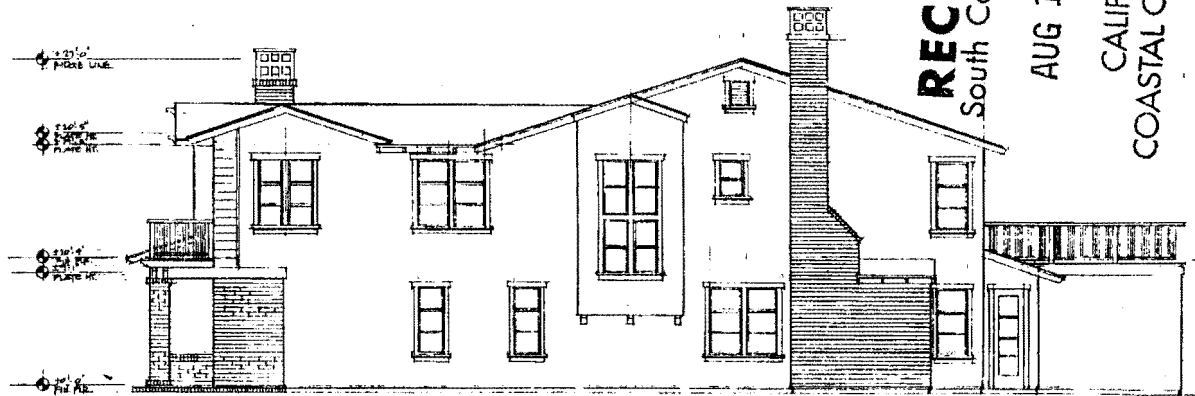
LEFT SIDE



FRONT



REAR



RIGHT SIDE

COASTAL COMMISSION
5-01-288
EXHIBIT # 4
PAGE 13 OF 13

RECEIVED
South Coast Region
AUG 15 2001
CALIFORNIA
COASTAL COMMISSION

HELLMAN RANCH

Seal Beach, CA.

John Laing Homes

MONTEREY STYLE
• HORIZONTAL LAP & SMOOTH STUCCO SIDING
• FLAT CONCRETE TIE ROOFING
• WOOD WINDOW TRIM & SHUTTERS
• USED BRICK WAINSCOT WITH JULY JOINTS

• WOOD RAILING AND POSTS
• SHAPED 3/8 WOOD RAFTER EXTENSIONS
• SECTIONAL GARAGE DOORS

**PLAN THREE
MONTEREY**
MAY 23, 2001

DAHLIN GROUP
ARCHITECTS • PLANNERS

2671 Cerritos Road
925.837.8286
San Ramon, CA 94583
925.837.2543 fax



PAGE 1 OF 1



**URBAN
ARENA**

LANDSCAPE
ARCHITECTURE
& PLANNING

NEWPORT BEACH

44111 TELER AVENUE
NEWPORT BEACH, CA 92660
TEL: 949.261.1111
FAX: 949.261.1112
WWW.URBANARENA.COM

LICENSES

CALIFORNIA #A192
ARCHITECT
UTAH #2000
NEW YORK #0000



REVISIONS

1. NEW PROJECT AND CADD
CONSTRUCTION

ACAD FILE
DATE: 11-10-01
SCALE: 1"=30'-0"

CLIENT

JOHN L. JAMES HOMES
11111 TELER AVENUE
NEWPORT BEACH, CA 92660
TEL: 949.261.1111

PROJECT

HELLMAN RANCH
11111 TELER AVENUE
NEWPORT BEACH, CA 92660

SHEET TITLE

FENCE & WALL
PLAN



CALIFORNIA
COASTAL COMMISSION

AUG 15 2001

RECEIVED
South Coast Region

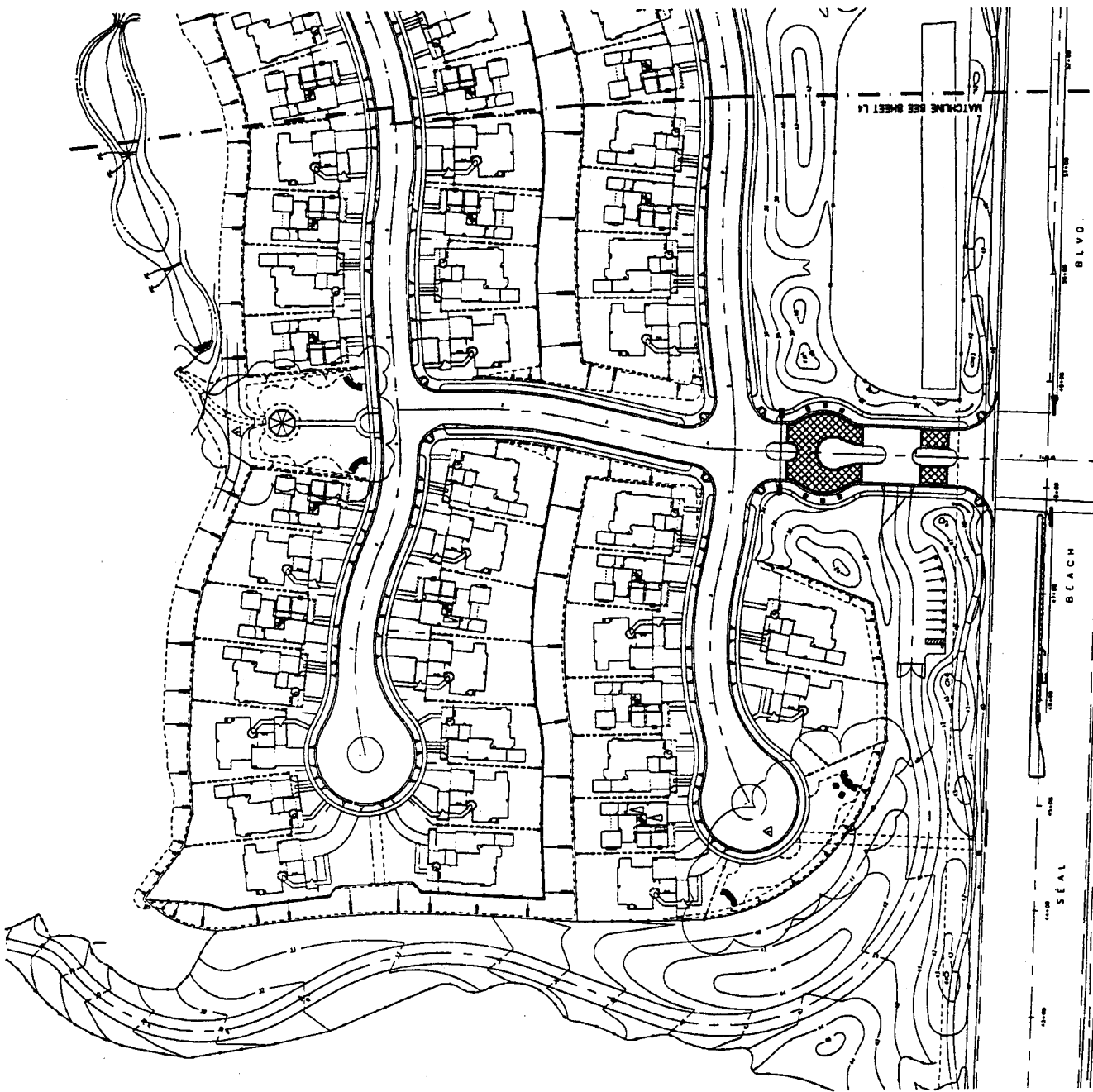
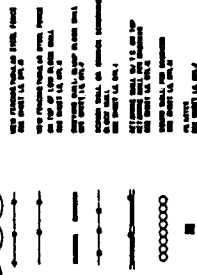
COASTAL COMMISSION

5-01-288

EXHIBIT # 5

PAGE 3 OF 7

FENCE & WALL LEGEND



MATCHLINE SEE SHEET L4

BEACH

SEAL

BLVD



URBAN ARENA
LANDSCAPE
ARCHITECTURE
& PLANNING
NEWPORT BEACH
4411 TELLER AVENUE
NEWPORT BEACH, CA 92660
TEL: 949-223-2888
FAX: 949-223-2889
WWW.URBANARENA.COM

SAN DIEGO
1414 K STREET, SUITE 200
SAN DIEGO, CA 92101
TEL: 619-591-7301
FAX: 619-591-7302
WWW.URBANARENA.COM

LICENSES
CALIFORNIA 01102
ARCHITECT 01102
LANDSCAPE ARCHITECT 01102
NEW YORK 01102
NEW YORK 01102



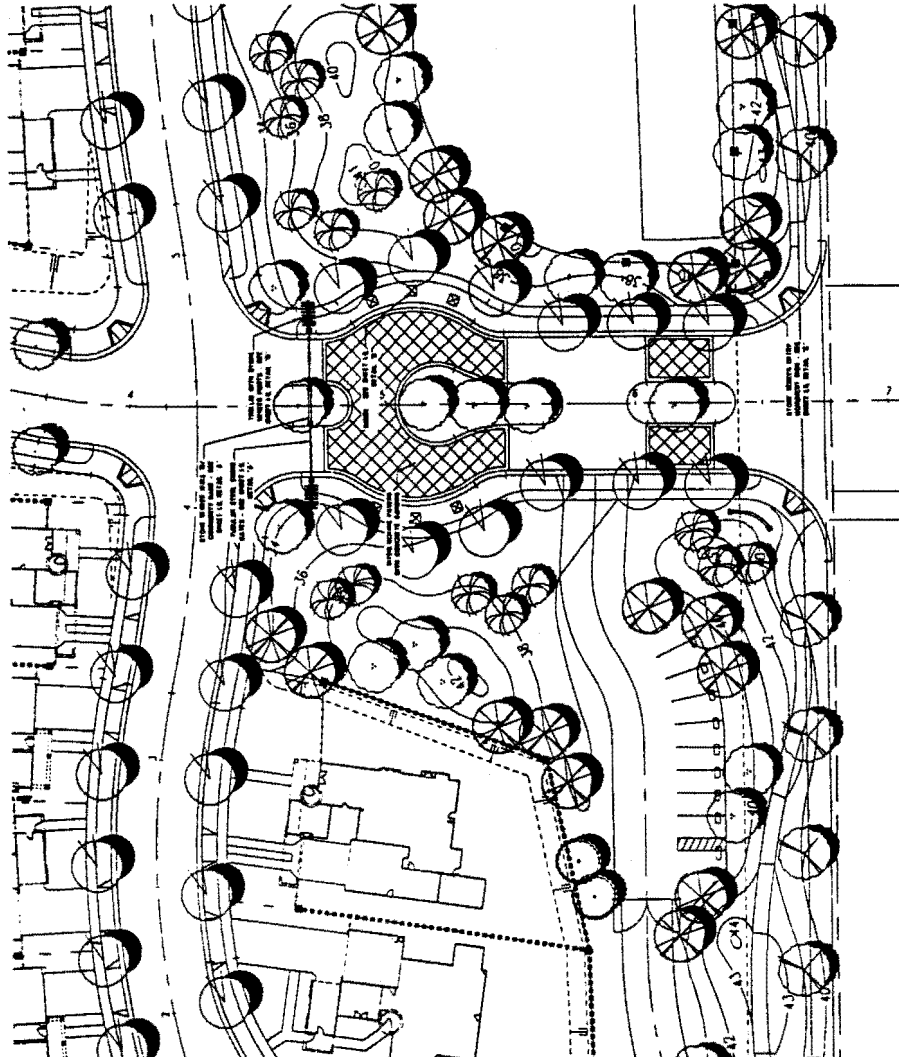
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CLIENT
JOHN L. LANG HOMES
1414 K STREET, SUITE 200
SAN DIEGO, CA 92101
TEL: 619-591-7301
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PROJECT
HELLMAN RANCH
1414 K STREET, SUITE 200
SAN DIEGO, CA 92101
TEL: 619-591-7301
FAX: 619-591-7302
WWW.URBANARENA.COM

SHEET TITLE
PRELIMINARY
ENTRY PLAN



SCALE 1" = 20'-0"

ENTRY PLAN

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CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION
5-01-288
EXHIBIT # 5
PAGE 5 OF 7



PARK PLANTING SUCH AS:

[illegible]

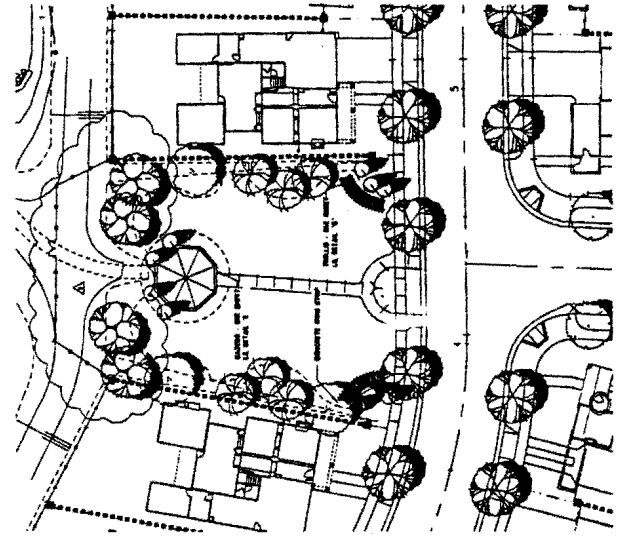
NOTES

- **RESEARCH**—The authors of the study, which was published in the *Journal of the American Medical Association*, found that the use of the device was associated with a 10% reduction in the risk of death. The authors also found that the use of the device was associated with a 10% reduction in the risk of hospitalization.

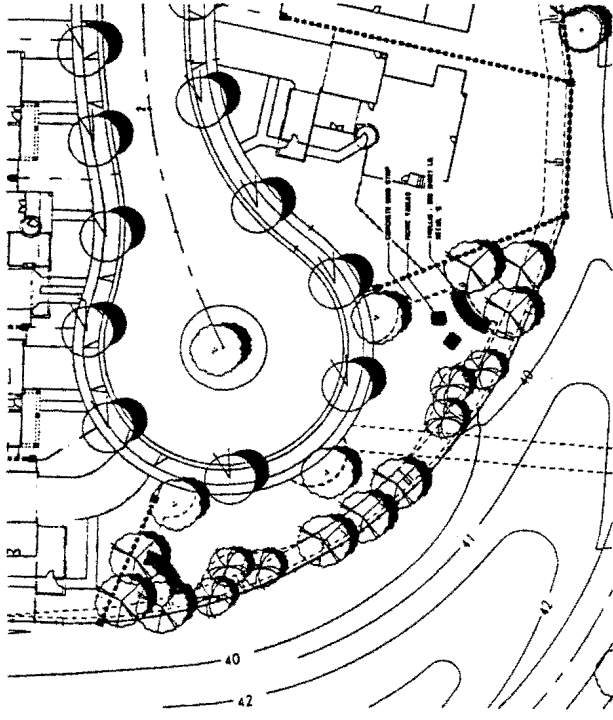
RECEIVED
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AUG 15 2001
CALIFORNIA
COASTAL COMMISSION



ICAME T, 20'-6"



Page 1 of 1



DATE: 7. 30. 82



URBANA ARENA
LANDSCAPE
ARCHITECTURE
& PLANNING

NEWPORT BEACH
4411 TELLER AVENUE
NEWPORT BEACH, CA 92660
TEL: (949) 271-1200
FAX: (949) 242-8870
SAN DIEGO
710 5TH STREET, SUITE 201
SAN DIEGO, CA 92101
TEL: (619) 234-1200
FAX: (619) 234-1201

LICENSEES

CLAY P. GIBSON
ARCHITECT
10000
NEWPORT
CA 92660



REVISIONS

NO.	DATE	DESCRIPTION
1	8-20-01	ACAD FILE SUBMITTED
2	8-20-01	ACAD FILE SUBMITTED
3	8-20-01	ACAD FILE SUBMITTED
4	8-20-01	ACAD FILE SUBMITTED
5	8-20-01	ACAD FILE SUBMITTED
6	8-20-01	ACAD FILE SUBMITTED
7	8-20-01	ACAD FILE SUBMITTED
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18	8-20-01	ACAD FILE SUBMITTED
19	8-20-01	ACAD FILE SUBMITTED
20	8-20-01	ACAD FILE SUBMITTED

CLIENT

JOHN LAMAR HOMER
10000
NEWPORT
CA 92660

PROJECT

HELLMAN RANCH
10000
NEWPORT
CA 92660

SHEET TITLE

PRELIMINARY
SLOPE PLAN



SCALE: 1" = 20'

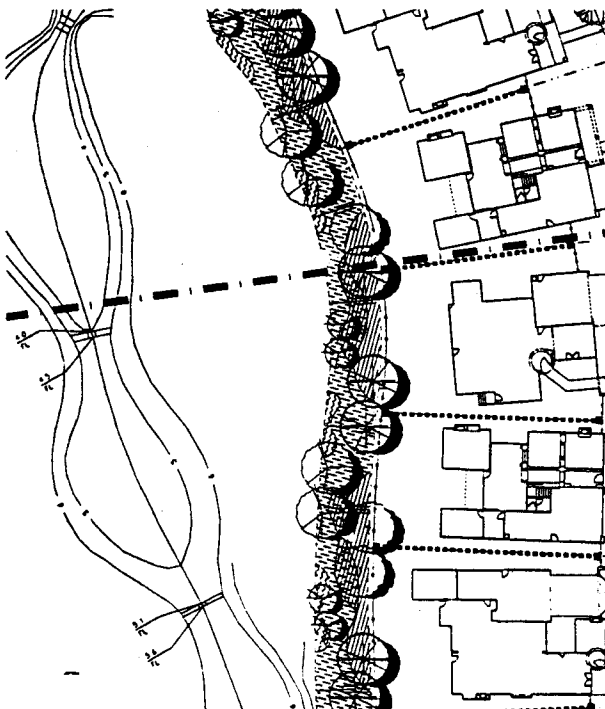
INTERIOR SLOPE BLOW UP

INTERIOR SLOPE PLANTING SUCH AS:

TREES	SHRUBS	GROUND COVER	ACCENT	BACKGROUNDS	OVERHEADS
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NOTES:

- 1. ALL PLANTING SHALL BE DONE BY 10/1/01.
- 2. ALL PLANTING SHALL BE DONE BY 10/1/01.
- 3. ALL PLANTING SHALL BE DONE BY 10/1/01.
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- 19. ALL PLANTING SHALL BE DONE BY 10/1/01.
- 20. ALL PLANTING SHALL BE DONE BY 10/1/01.



SCALE: 1" = 20'

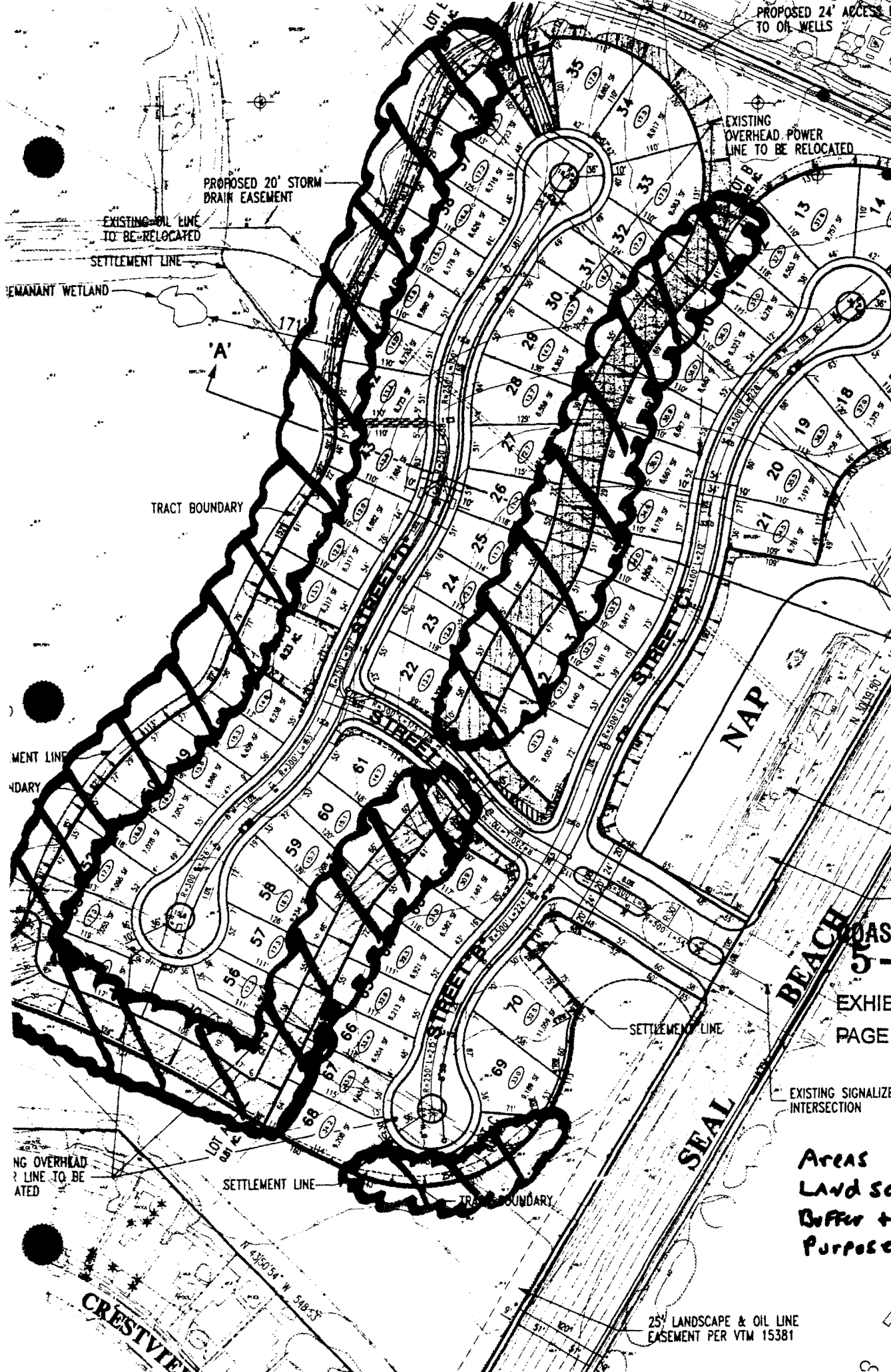
BIOTRATON SLOPE PLANTING

BIOTRATON PLANTING SUCH AS:

TREES	SHRUBS	GROUND COVER	ACCENT	BACKGROUNDS	OVERHEADS
1. 12" DB	1. 12" DB	1. 12" DB	1. 12" DB	1. 12" DB	1. 12" DB
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COASTAL COMMISSION
5-01-288
EXHIBIT # 5
PAGE 7 OF 7

IN ADDITION TO LANDSCAPING SHOWN - LANDSCAPE ALL DISTURBED / GRADED AREAS



COASTAL COMM
5-01-2
EXHIBIT # 6
PAGE 3 OF 3

AREAS TO BE
LANDSCAPED FOR
BUFFER + VIEW
PURPOSES

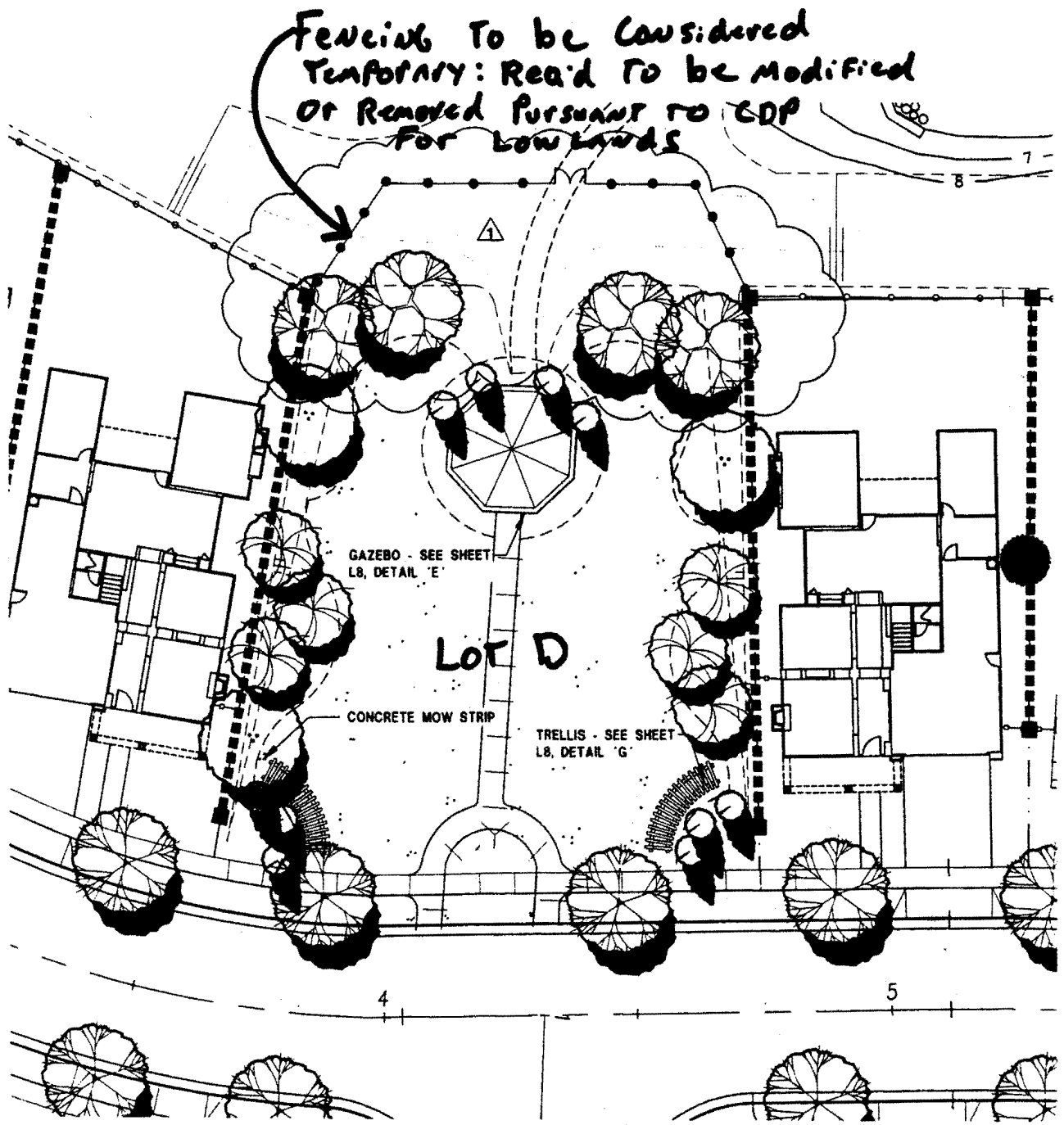
25' LANDSCAPE & OIL LINE
EASEMENT PER VTM 15381

Lowlands

20'-0"

ACCESS PARK

SCALE 1" = 20'-0"



Bio-Swale +
DETENTION
BASIN

Fences Considered
Temporary

CONCRETE MOW STRIP

TURF BLOCK

LOT E

Fence Considered
Temporary

COASTAL COMMISSION
5-01-288

EXHIBIT # 7

PAGE 2 OF 3

PRUNUS Cerasifera
'Krauter Vesuvius'

SCHINUS MOLLE

ALNUS RHOMBIFOLIA

SHRUBS

BOTANICAL NAME

PHOTINIA FRASERI
PITTOSPORUM TOBIRA
'WHEELERS DWARF'
RHAPHIOLEPIS 'DANCER'

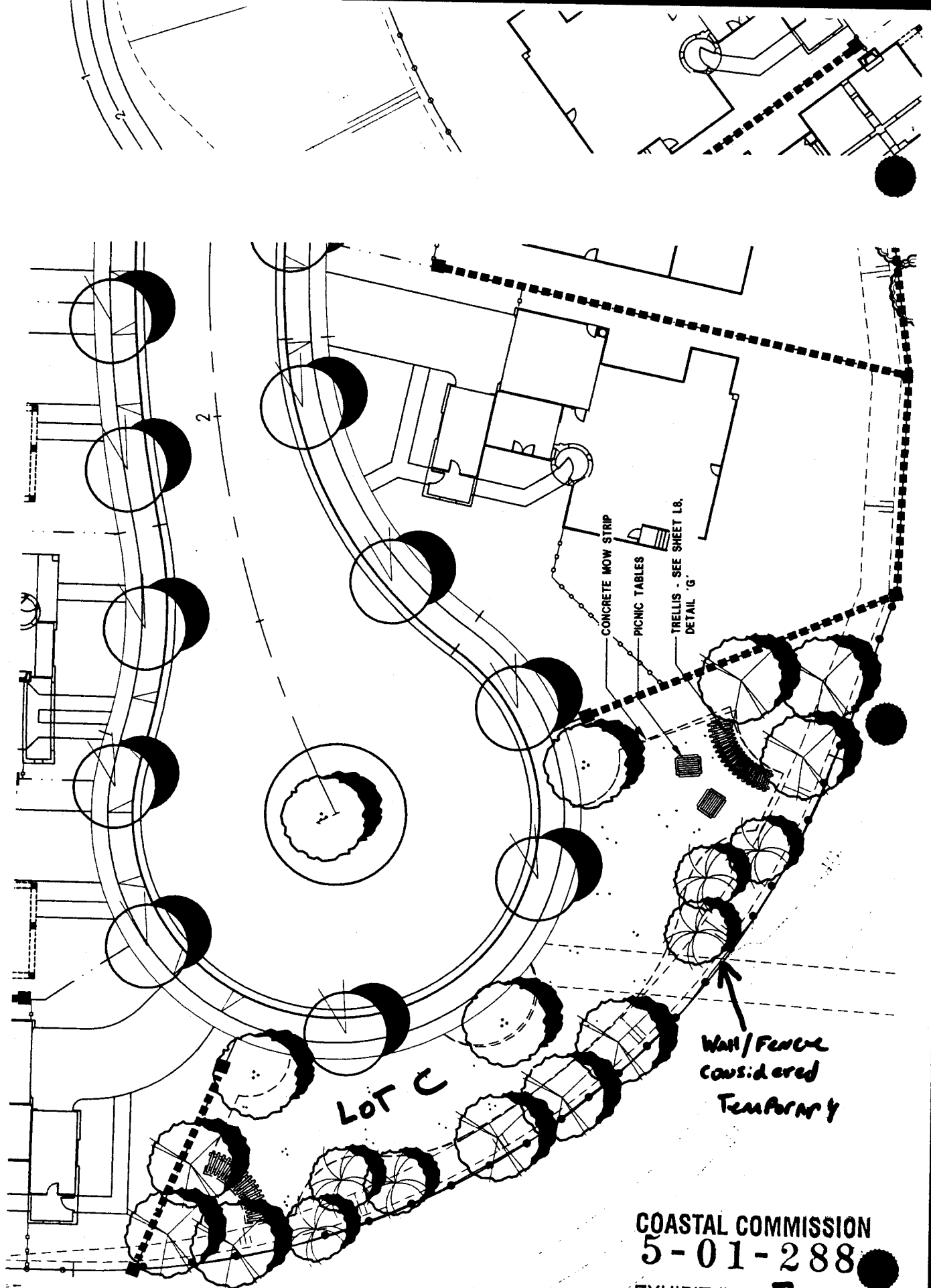
GROUNDCOVERS

BOTANICAL NAME

CARISA MACROCARPA
'TUTTLE'
ROSA 'WHITE FLOWER CARPET'
TRACHELOSPERMUM JASMINOIDES
MARATHON II SOD

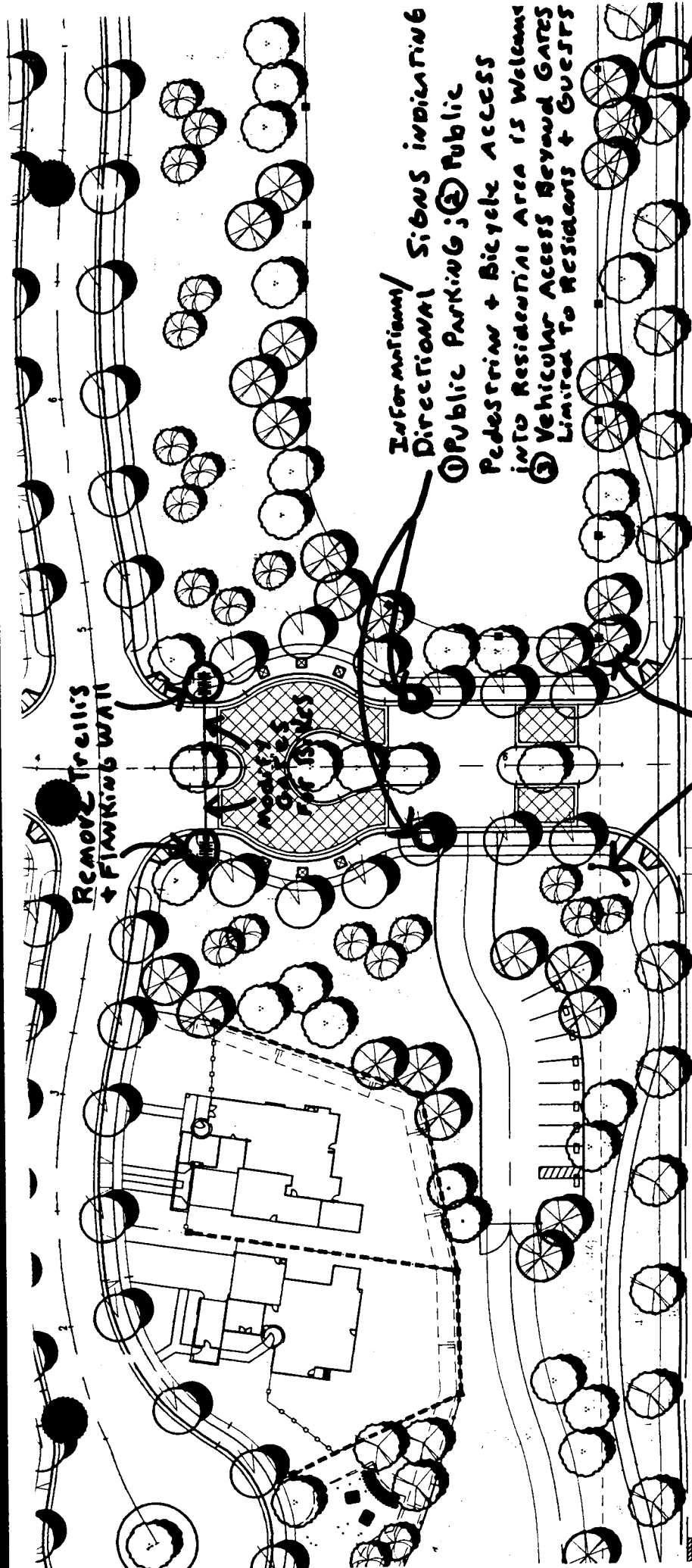
VINES

BOTANICAL NAME



COASTAL COMMISSION
5-01-288

EXHIBIT # 7
PAGE 3 OF 3



Informational Signs indicating
Directional Signs indicating
① Public Parking; ② Public
Pedestrian + Bicycle Access
into Residential Area is Welcome
③ Vehicular Access Beyond Gates
Limited to Residents + Guests

APPROXIMATE LOCATION
OF SIGN PROPOSED BY
APPLICANT AS CONDITION
COMPLIANCE (See page 8 of
THIS Exhibit)

Sign to be Consolidated
with Signs @ Entrance
to Residential Area
As Indicated Below

Signs to Indicate:
HELMAN RANCH
GUM GROVE PARK
Parking and Public
Access

BEACH

Approximate Location of
Sign Proposed by
Applicant as Condition
Compliance under CDP
5-97-367, as amended
(See Exhibit 8b)

BLVD.

Install Informational/Directional
Signage Indicating: 1) Public
Parking for Gum Grove Park; 2)
Public Pedestrian & Bicycle Access
to Residential Area is Welcome; 3)
Vehicular Access Beyond Gates
Limited to Residents & Guests

Modify Entry
for Bikes

Remove Trellis
& Flanking Wall

Revise Entry Signs to
Indicate: 1) Hellman
Ranch; 2) Gum Grove Park
Parking and Public Access

BEACH

Public Parking Lot
Req'd by CDP 5-97-367

Trail to Gum Grove Park
Req'd by CDP 5-97-367

REVISED
EXHIBIT No. 8a

Page 1 of 1

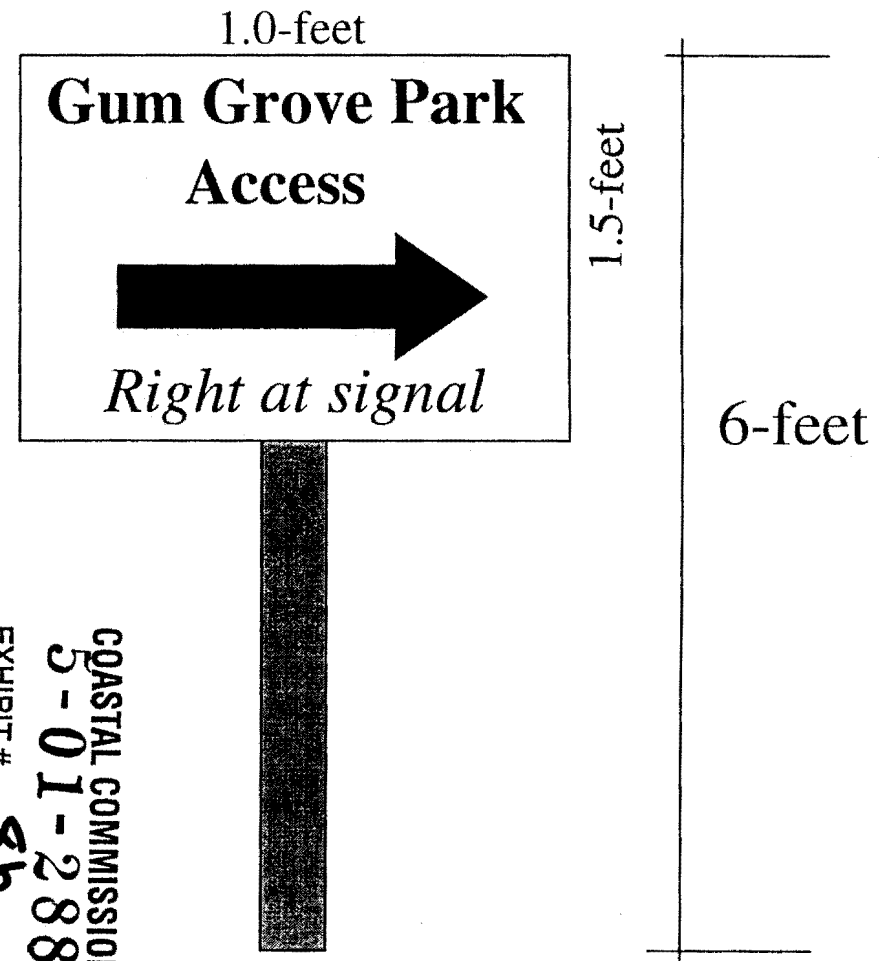
Application Number:

5-01-288

California Coastal
Commission

Directional Signage for Gum Grove Park
New Parking Lot and Access from Seal Beach Boulevard
California Coastal Commission Special Condition 18-A

- ☒ To be located 100-feet north of the new entrance of Gum Grove Park.
- ☒ Within the Seal Beach Boulevard R-O-W
- ☒ 6-feet in total height
- ☒ Visible to south bound motorists
- ☒ See attached map



COASTAL COMMISSION
5-01-288
EXHIBIT # 8b
PAGE 1 OF 1
Sign Proposed by Applicant
To comply with Special
Condition 18 of CCP5-9

CALIFORNIA COASTAL COMMISSION

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

MAY - 9 2001

CALIFORNIA
COASTAL COMMISSION

Page: Page 1 of 19

Date: April 23, 2001

Permit Application No.: 5-97-367-A1

**NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT**

Coastal Development Permit 5-97-367 granted to Hellman Properties LLC consisting of: Subdivide 196 acre site into 9 parcels, including subdivision of one parcel into 70 single-family residential lots in a private community; construct a public golf course (including 6.8 acres of marsh integrated into the golf course) and golf clubhouse; dedicate Gum Grove Park to the City of Seal Beach; create 26.0 acres of saltwater marsh and reserve existing oil production areas for future wetland restoration; construct interpretive areas, dedicate public access trails, and visitor-serving recreation facilities; extend Adolfo Lopez Drive, and conduct an archaeological testing program, has been amended. On **October 11, 2000**, the California Coastal Commission granted to **Hellman Properties LLC** Coastal Development Permit Amendment **5-97-367-A1**, subject to the attached conditions, for development consisting of: **Change the proposed project description to eliminate a 100 acre golf course and associated wetland impacts and wetland restoration; add a deed restriction reserving lowlands for acquisition for wetlands restoration; expand the footprint of 70-lot residential subdivision from 14.9 acres to 18.4 acres; reduce mass grading from 1.6 million cubic yards to 420,000 cubic yards; and include changes to the language of previously imposed special conditions** ...more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Hellman Ranch; N.E. of PCH (State Route 1), S.E. of the San Gabriel River, south of Adolfo Lopez Drive, West of Seal Beach Blvd, and North of Marina Hill, Seal Beach.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on April 23, 2001.

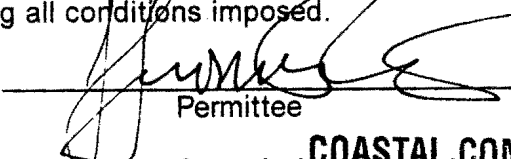
PETER DOUGLAS
Executive Director

By: 
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit Amendment No. **5-97-367-A1**, and fully understands its contents, including all conditions imposed.

5/7/01
Date


Permittee

Please sign and return one copy of this form to the Commission office at the above address.

COASTAL COMMISSION
5-01-288
EXHIBIT # 9
PAGE 1 OF 9

NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT

Permit Application No. 5-97-367-A1

Page 2 of 19

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS PREVIOUSLY IMPOSED BY THE COMMISSION ON SEPTEMBER 9, 1998 WITH MODIFICATIONS FROM COASTAL DEVELOPMENT PERMIT AMENDMENT 5-97-367-A1 APPROVED BY THE COMMISSION ON OCTOBER 11, 2000 SHOWN:

1. RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR WETLANDS RESTORATION
[Deleted]. See Special Condition 16.
2. REVISED VESTING TENTATIVE TRACT MAP NO. 15381
[Deleted]. See Special Condition 27
3. STATE LANDS PARCEL
[Deleted].

COASTAL COMMISSION
5-01-288

EXHIBIT # 9
PAGE 2 OF 19

NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT

Permit Application No. 5-97-367-A1

Page 3 of 19

4. **GUM GROVE PARK**

[Deleted]. See Special Condition 17

5. **PUBLIC ACCESS PROGRAM**

[Deleted]. See Special Condition 18

6. **ARCHAEOLOGY**

[Deleted]. See Special Condition 19

7. **WATER QUALITY**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a National Pollutant Discharge Elimination System permit ("NPDES"), Storm Water Pollution Prevention Plan, and Structural and Non-structural Best Management Practices for the proposed project, in compliance with the standards and requirements of the California Regional Water Quality Control Board. The applicant shall implement and comply with the water quality measures approved by the Executive Director. Runoff from the site shall be directed to the Los Alamitos retarding basin to the maximum extent feasible. The permittee shall comply with mitigation measures WQ-5 through WQ-10 inclusive as approved by City of Seal Beach City Council resolution 4562.

8. **HAZARDS**

Mitigation Measures WQ-1, WQ-2, WQ-3, WQ-4, GEO-1, GEO-2, GEO-3, GEO-4, GEO-5, GEO-6, GEO-7, and GEO-8 as shown on Exhibit B of City of Seal Beach City Council Resolution 4562 certifying the Hellman Ranch Specific Plan Environmental Impact Report on September 22, 1997 (Exhibit 11 of the September 9, 1998 Staff Report) are hereby incorporated by reference as special conditions of this coastal development permit.

9. **FUTURE CONSTRUCTION OF HOMES ON THE MESA**

This coastal development permit does not approve development on the lots created by Vesting Tentative Tract Map No. 15402. A future coastal development permit(s) is required for development, such as site preparation, construction of streets, common walls and landscaping, and construction of the actual homes, etc. on the site. Construction spoils, materials, and equipment shall not be placed in any wetland areas.

COASTAL COMMISSION
5-01-288

EXHIBIT # 9
PAGE 3 OF 19

NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT

Permit Application No. 5-97-367-A1

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10. LEGAL INTEREST

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to carry out all conditions of approval of this permit.

11. WETLANDS RESTORATION AREA / CONSERVATION

[Deleted].

12. FINAL WETLAND RESTORATION PROGRAM

[Deleted].

13. GOLF COURSE OPERATIONS AND GOLFER WETLAND EDUCATION PROGRAM

[Deleted].

14. RESIDENTIAL DEVELOPMENT-TIMING OF CONSTRUCTION

[Deleted].

SPECIAL CONDITIONS FROM COASTAL DEVELOPMENT PERMIT AMENDMENT 5-97-367-A1 APPROVED BY THE COMMISSION ON OCTOBER 11, 2000:

15. PRIOR CONDITIONS

Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit 5-97-367 remain in effect.

16. RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR WETLANDS RESTORATION

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which shall provide that:

(1) For a period of twenty-five years, the applicant agrees to sell the lowlands area of the property as defined in "Attachment 1" (as revised pursuant to subsection B. of this condition) to any public agency or

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non-profit association acceptable to the Executive Director that requests in writing to purchase the property or, through the normal State of California land acquisition practices if the State is the prospective buyer; and,

- (2) The sale shall be at fair market value as established by an appraisal paid for by the buyer and prepared by an appraiser mutually acceptable to the buyer and applicant, or, if the parties are unable to agree, by an appraiser designated by third party, or if the buyer and applicant agree through an arbitration on value; and,
- (3) The uses shall be restricted to wetlands restoration, open space and environmental education purposes, with reversion rights to the State Coastal Conservancy.

The deed restriction shall remain in effect for twenty-five years and be recorded over the lowlands area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a revised "Attachment 1" consisting of a map, prepared by an appropriately licensed professional, which (i) depicts the area to be deed restricted pursuant to subsection A. of this condition and Special Condition 28, (ii) which maintains this restriction over at least 100 acres, (iii) which removes those areas necessary for the bio-swale and water quality basin from the area to be deed restricted pursuant to subsection A. of this condition and (iv) which off-sets the removal of those areas from the deed restriction with other land within the project site suitable for a deed restriction pursuant to subsection A. of this condition.

Note: Special Condition 16 replaces Special Condition 1 in its entirety.

17. GUM GROVE PARK

PRIOR TO THE ISSUANCE OF RESIDENTIAL BUILDING PERMITS, the applicant shall submit, for the review and approval of the Executive Director, written evidence demonstrating that the area known as Gum Grove Nature Park and as delineated as Lot 3 of proposed Vesting Tentative Tract Map

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15381 has been dedicated in fee to the City of Seal Beach, as proposed by the applicant. The dedication documents shall provide that:

- (a) The park shall be preserved in perpetuity as a passive recreational nature park open to the public. Active recreational activities or commercial facilities shall be prohibited.
- (b) Necessary parking facilities which are the minimum required to serve the park and which meets Americans with Disabilities Act requirements shall be provided. The existing twenty (20) striped parking spaces for Gum Grove Park shall be maintained.
- (c) All trails within the dedicated park area shall be constructed to be accessible to persons with disabilities consistent with the Americans with Disabilities Act requirements. No trails shall be lighted in order to minimize impacts on wetlands.
- (d) Small scale interpretive signage which describes the Monarch Butterfly may be permitted if approved by the Executive Director.
- (e) Gum Grove Park shall be open from dawn to dusk (one hour after sunset) on a daily basis. Changes in hours of operation of Gum Grove Park shall require an amendment to this permit unless the Executive Director determines that an amendment is not required.
- (f) Signage shall be conspicuously posted which states that the park is open to the general public.
- (g) That portion of proposed Lot 3 of Tentative Tract Map No. 15381, comprised of an approximately 25 foot wide strip of land which borders Seal Beach Boulevard and extends west from Seal Beach Boulevard to connect with the primarily used part of Gum Grove Park, shall be subject to the following requirements:

(1) The frontage along Seal Beach Boulevard shall not be gated, fenced, or obstructed in any manner which prevents public access from Seal Beach Boulevard.

(2) The area shall be reserved for a public trail and parking lot, which are visible, and directly accessible to the public from Seal Beach Boulevard, and which lead from Seal Beach Boulevard to the primary part of Gum Grove Park to the west. The public parking lot area shall be large enough for a minimum of ten (10) parking spaces. Where it is not feasible to reserve enough public parking area on this portion of proposed Lot 3, public parking directly accessible from Seal Beach

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Boulevard shall be provided for on proposed Lot 2 of Tentative Tract Map No. 15381 adjacent to proposed Lot 3, in accordance with the provisions of Special Condition 18.B. of this permit.

- (h) Domesticated animals (including, but not limited to, dogs) shall be leashed and under the control of the party responsible for the animal at all times within Gum Grove Park.

Note: Special Condition 17 replaces Special Condition 4 in its entirety.

18. PUBLIC ACCESS PROGRAM

- A. **Public Access Signage.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a detailed signage plan which provides for the installation of signs clearly visible from Pacific Coast Highway and Seal Beach Boulevard which invite and encourage the public to use the public access, parking, and recreation opportunities proposed at Gum Grove Park, and the public access trail and public parking linking Gum Grove Park to Seal Beach Boulevard. Key locations include but are not limited to; 1) Gum Grove Park both at its western entrance and at the proposed Seal Beach Boulevard entrance. The plans shall indicate the location, materials, dimensions, colors, and text of the signs. The permittee shall install the signs in accordance with the signage plans approved by the Executive Director.
- B. **Residential Community Streets (Vesting Tentative Tract Map No. 15402).** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: 1) public pedestrian and bicycle access to the streets and sidewalks constructed within the area subject to Vesting Tentative Tract Map No. 15402 shall not be precluded, 2) no locked gates, walls, fences, or other obstructions prohibiting public pedestrian or bicycle access to the streets and sidewalks constructed within the area subject to Vesting Tentative Tract Map No. 15402 shall be permitted, 3) no requirement to allow public vehicular access over the private streets is necessary if the applicant is willing to provide public parking within Gum Grove Park and a separate vehicular entrance from Seal Beach Boulevard to said public parking, 4) if fewer than the ten (10) public parking spaces required by Special Condition 17.(g)(2) of this permit can be constructed on proposed Lot 3 of Vesting Tentative Tract Map No. 15381, the portion of the area subject to Vesting Tentative Tract Map No. 15402 closest to Lot 3 shall be reserved for the balance of the public parking spaces so that the parking spaces are directly accessible from Seal Beach Boulevard. The deed restriction shall be recorded over the entire area subject to Vesting Tentative Tract Map No. 15402 and shall run with the land,

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binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- C. **Revised Vesting Tentative Tract Map No. 15402.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two copies of a revised vesting tentative map for Tract No. 15402 if: (1) all of the ten public parking spaces required under Special Condition 17.(g)(2) cannot be built on proposed Lot 3 of Vesting Tentative Tract Map 15381, and/or (2) the entities with jurisdiction over Seal Beach Boulevard do not approve a separate vehicular entrance off of Seal Beach Boulevard to said public parking spaces. The revised map shall show: (1) the locations and design of said public parking spaces which cannot be built on Lot 3 and instead shall be built on the portion of the area subject to Vesting Tentative Tract Map No. 15402 closest to Lot 3, and 2) the location of the public street which connects the public parking required under Special Condition 17.(g)(2) of this permit with the entrance to the subdivision proposed by Vesting Tentative Tract Map No. 15402. The revised map shall be accompanied by written documentation demonstrating that the governmental agencies which have jurisdiction over Seal Beach Boulevard and parking space standards have approved the revised map. The applicant shall record the revised map approved by the Executive Director.
- D. **Construction of Trail and Parking Lot.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE HOUSES WITHIN THE AREA SUBJECT TO VESTING TENTATIVE TRACT MAP NO. 15402, the applicant shall construct a public access trail and parking lot, which are visible and directly accessible to the public from Seal Beach Boulevard, which lead from Seal Beach Boulevard to the primary part of Gum Grove Park to the west. The public parking lot shall contain a minimum of ten (10) parking spaces and shall be directly accessible from Seal Beach Boulevard. Where it is not feasible to construct the public parking and vehicular entrance on this portion of proposed Lot 3 of Vesting Tentative Tract Map No. 15381, public parking directly accessible from Seal Beach Boulevard shall be constructed on proposed Lot 2 of Tentative Tract Map No. 15381 (i.e., the area subject to Vesting Tentative Tract Map No. 15402) immediately adjacent to proposed Lot 3, in accordance with the provisions of Special Condition 18.B of this permit.

Note: Special Condition 18 replaces Special Condition 5 in its entirety.

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19. ARCHAEOLOGY

For purposes of this condition, "OHP" shall mean the State Office of Historic Preservation, and "NAHC" shall mean the state Native American Heritage Commission.

- A. **Research Design.** The permittee shall undertake the proposed archaeological investigation in conformance with the proposed archaeological research design entitled A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area dated November 1997 prepared by KEA Environmental, Inc. for the City of Seal Beach. Prior to issuance of the coastal development permit for the archeological investigation, the applicant shall submit written evidence, subject to the review and approval of the Executive Director, that a copy of the archaeological research design has been submitted to the OHP, the NAHC, and the Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC, for their review and comment. An amendment to this permit shall be required for any changes to the research design suggested by OHP, NAHC, or the Native American group/person unless the Executive Director determines that an amendment is not required.
- B. **Selection of Archaeologist(s) and Native American Monitor(s).** The archaeologist(s) selected by the City shall meet the United States Department of Interior minimum standards for archaeological consultants, as also endorsed by the OHP. The City shall select the Native American monitor(s) in compliance with the "Guidelines for monitors/consultants of Native American cultural, religious and burial sites" issued by the NAHC, and in consultation with the appropriate Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people deemed acceptable by the NAHC.
- C. **Post-Investigation Mitigation Measures.** Upon completion of the archaeological investigation, and prior to the commencement of construction of any development approved by this coastal development permit (other than archaeological investigation activities or subdivision), the applicant shall submit, for the review and approval of the Executive Director, a written report regarding the following: 1) a summary of the findings of the archaeological investigation, and 2) a final written mitigation plan which shall identify recommended mitigation measures, which may include capping of archaeological sites, data recovery and curation of important archaeological resources as defined by the California Environmental Quality Act, and detailed additional mitigation measures which need to be implemented. The applicant shall also submit for review and approval of the Executive Director, a signed contract with a City-selected archaeological consultant that

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provides for archaeological salvage that follows current accepted professional practice, if additional archaeological data recovery measures are determined appropriate. The written report and additional mitigation measures shall also be submitted to the OHP and the appropriate Native American person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC. An amendment to this permit shall be required to implement any additional mitigation measures unless the Executive Director determines a permit amendment is not required.

- D. **Implementation of Mitigation Measures and Summary of Fieldwork.** Prior to commencement of site preparation, grading, and construction activities for any development (other than archaeological investigation activities) located within a fifty foot (50') radius of the furthest boundary of each state-identified archaeological site as delineated in the archaeological research design, all of the requirements of Special Conditions 19.A., 19.B., and 19.C. shall have been met. All development shall occur consistent with the final plan required by Special Condition 19.C. A written synopsis report summarizing all work performed in compliance with Special Conditions 19.A, 19.B, and 19.C shall be submitted to the Executive Director, OHP, the NAHC and the person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC, within six (6) weeks of the conclusion of field work. No later than six months after completion of field work, a final report on the excavation and analysis shall be submitted to the Executive Director, OHP, the NAHC, and the person/group from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC.
- E. **Monitoring of Construction Activities.** All site preparation, grading and construction activities for the proposed development shall be monitored on-site by a qualified archaeologist and Native American monitor. The archaeologist and Native American monitor shall have the express authority to temporarily halt all work in the vicinity of the discovery site should significant cultural resources be discovered. This requirement shall be incorporated into the construction documents which will be used by construction workers during the course of their work.
- F. **Discovery of Cultural Resources / Human Remains During Post-Archaeological Testing Construction Activities.**
- (1) If additional or unexpected archaeological features are discovered during site preparation, grading, and construction activities for approved development other than the archaeological investigation, all work shall be temporarily halted in the vicinity of the discovery site while the permittee complies with the following:

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The archaeologist, in consultation with the Native American monitor, shall sample, identify and evaluate the artifacts as appropriate and shall report such findings to the permittee, the City and the Executive Director. If the archaeological resources are found to be significant, the archaeologist, in consultation with the Native American monitor, shall determine appropriate actions, and shall submit those recommendations in writing to the Executive Director, the applicant and the City. The archaeologist shall also submit the recommendations for the review and approval of the Executive Director and shall be prepared in accordance with the provisions outlined in Special Condition 19.C above. Any recommended changes to the proposed development or the mitigation measures identified in the final plan required by Special Condition 19.C. shall require a permit amendment unless the Executive Director determines that a permit amendment is not required.

Development activities may resume if the cultural resources are not determined to be 'important' as defined by the California Environmental Quality Act (CEQA).

- (2) Should human remains be discovered on-site during the course of site preparation, grading, and construction activities, immediately after such discovery, the on-site City-selected archaeologist and Native American monitor shall notify the City of Seal Beach, Director of Development Services and the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted in the vicinity of the discovery site until the remains can be identified. The Native American group/person from the Juaneno/Acjachemem, Gabrielino/Tongva, or Luiseno people designated or deemed acceptable by the NAHC shall participate in the identification process. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section 5097.98 of the Public Resources Code. Within five (5) calendar days of such notification, the director of development services shall notify the Executive Director of the discovery of human remains.

G. Incorporation of Archaeology Requirements into Construction Documents.

Special Condition No. 19 of Coastal Development Permit 5-97-367 shall be incorporated in its entirety into all the construction documents which will be used by construction workers during the course of their work as well as all construction bid documents.

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H. Sequencing of Issuance of Coastal Development Permit Related to Archeological Investigation.

In advance of compliance with the other special conditions of Coastal Development Permit 5-97-367, as amended, the Executive Director may issue a coastal development permit, consistent with the terms of subsections A through G of this condition, for the development needed to undertake the archeological investigation.

Note: Special Condition 19 replaces Special Condition 6 in its entirety.

20. FINAL PLANS

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director:

1. Final design, grading, construction, structural, and drainage plans for the bio-swale, riparian corridor and water quality basin that substantially conform with the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, submitted to the Commission; and
2. Final landscape plans for the bio-swale, riparian corridor, and water quality basin that substantially conform with the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, submitted to the Commission, and the letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated June 28, 2000, regarding Biological Benefits of Proposed Wetland Treatment System, CDP 5-97-367-A1, Hellman Ranch Property, Orange County, California. These final plans shall be prepared in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service and shall be accompanied by written evidence of their endorsement of the landscape plans.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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21. REQUIREMENT FOR IDENTIFICATION OF SUITABLE RAPTOR FORAGING HABITAT AND REQUIREMENT FOR MANAGEMENT PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, a map, prepared by a biologist in accordance with current professional standards, delineating raptor foraging habitat with long term conservation potential available within the lowlands of the subject property as identified in the letter from Glenn Lukos Associates of Lake Forest, California to John Laing Homes and Hellman Properties dated September 11, 2000, regarding *Response to June 19, 2000, letter from the California Department of Fish and Game Regarding Biological Resources at Hellman Ranch*. The area delineated shall not be less than 9.2 contiguous acres of raptor foraging habitat. The delineation and site selection shall occur in consultation with the California Department of Fish and Game, and the map submitted to the Executive Director shall be accompanied by a written endorsement by the California Department of Fish and Game of the raptor foraging habitat delineation, the selected site and the map; and
- B. The raptor foraging habitat to be identified in subsection A. of this condition shall have the same or better functions and values as the site to be impacted, in accordance with the biological assessment prepared by Glenn Lukos Associates in their letter dated September 11, 2000. If there are no raptor foraging habitat areas with the same or better functions and values as the site to be impacted in the area previously identified by the applicant as having such, the applicant shall obtain an amendment to this coastal development permit in order to remedy the discrepancy; and
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, a raptor foraging habitat management plan which identifies management measures necessary to, at minimum, maintain the functions and values of the raptor foraging habitat identified in subsection B. of this condition. Such measures shall include appropriate brush management measures for the maintenance of raptor foraging habitat. Measures may include brush clearance and brush mowing; planting of plant species associated with raptor foraging habitat, and exotic and invasive plant species controls for the removal of plant species which upset the functioning of the raptor foraging habitat, including, but not limited to, ice plant, pampas grass, arundo giant cane, and myoporum. Any chemical controls to be used in areas adjacent to wetlands shall be limited to those which are non-toxic to wetland organisms (e.g. Rodeo® Herbicide). The raptor foraging habitat management plan shall be prepared in consultation with the California Department of Fish and Game, and shall be accompanied by a written endorsement of the plan by the California Department of Fish and Game. The permittee shall undertake

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development in accordance with the raptor foraging habitat management plan approved by the Executive Director. Any proposed changes to the approved raptor foraging habitat management plan shall be reported to the Executive Director. No changes to the approved raptor foraging habitat management plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

22. OPEN SPACE DEED RESTRICTION

- A. No development, as defined in section 30106 of the Coastal Act shall occur in the raptor foraging habitat delineated by the map required pursuant to Special Condition 21 except for:
1. Activities related to raptor foraging habitat maintenance pursuant to the raptor foraging habitat management plan required pursuant to Special Condition 21.C.; and
 2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: activities related to public access, recreation, and wetland restoration provided that such development continues to designate a minimum of 9.2 acres of equivalent or better functioning raptor foraging habitat.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shows that the open space area identified pursuant to Special Condition 21 shall be restricted as open space for raptor foraging habitat and the deed restriction shall reflect the above restriction on development in the designated open space. The deed restriction shall contain the raptor foraging habitat management plan approved by the Executive Director pursuant to Special Condition 21.C. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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23. WATER QUALITY

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final Storm Water Management and Water Quality Control Plan (SWM & WQCP) designed to mitigate stormwater runoff and nuisance flow from development on Vesting Tentative Tracts 15381 and 15402. The final SWM & WQCP shall include structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and nuisance runoff leaving the developed site. The final plan shall be reviewed by the consulting engineering geologist to ensure conformance with geotechnical recommendations. The final plan shall demonstrate substantial conformance with the Water Quality Management Plan (WQMP), Tract 15402, Hellman Ranch, prepared by MDS Consulting of Irvine, California, dated January 2000, and the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, and the following requirements:
1. Post-development peak runoff rates and average volume from the developed site shall not exceed pre-development levels for the 2-year 24-hour storm runoff event.
 2. Post-construction treatment control BMPs shall be designed to mitigate (infiltrate or treat) stormwater runoff from each runoff event up to and including the 85th percentile 24-hour runoff event.
 3. The approved SWM & WQCP shall be implemented prior to or concurrent with the construction of infrastructure associated with the development on Vesting Tentative Tracts 15381 and 15402. The approved BMPs and other measures included in the final SWM & WQCP shall be in place and functional prior to the issuance of the first residential building permit within Vesting Tentative Tract 15402.
 4. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Maintenance activity shall be performed according to the recommended maintenance specifications contained in the California Stormwater BMP Handbooks (California Stormwater Quality Task Force, 1993) for selected BMPs. At a minimum, maintenance shall include the following: (i) all structural BMPs shall be inspected, cleaned and repaired, as needed prior to the onset of the storm season, no later than October 1st of each year and (ii) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs

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to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- B. Any changes to the structures outlined in the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, including changes to the footprint of any such structures, necessary to accommodate the requirements of subsection A of this condition, shall require an amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.
- C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the requirements outlined in subsections A., B., and C. of this condition. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

24. RESERVATION OF LAND FOR WATER QUALITY PURPOSES

- A. The area of land containing the proposed water quality basin, bio-swale and riparian corridor, and associated appurtenances as depicted in Figure 8 (inclusive of the landscaped areas) of the Storm Water Management & Water Quality Control Plan, (SWM & WQCP) prepared by MDS Consulting and Fuscoe Engineering of Irvine, California, dated July 27, 2000, shall be reserved for water quality improvement purposes through a deed restriction as required pursuant to subsection B. of this condition. The deed restriction shall not preclude use of the same such land for wetland restoration provided the water quality improvement functions of the system described in the SWM & WQCP, as revised and approved by the Executive Director pursuant

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to Special Condition 23, is, at minimum maintained. In addition, the deed restriction shall not preclude construction and maintenance of the access road depicted on Figure 8, nor shall it preclude the construction and maintenance of the utilities and oil transmission lines depicted on Vesting Tentative Tracts 15381 and 15402, as approved by the Executive Director, nor shall it preclude the maintenance of existing oil operations, provided the water quality improvement functions of the system described in the SWM & WQCP, as revised and approved by the Executive Director pursuant to Special Condition 23, is, at minimum maintained. Finally, the deed restriction shall not preclude development associated with the archaeological investigation required pursuant to Special Condition 19.

- B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the deed restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

25. STAGING AREA FOR CONSTRUCTION

- A.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands.
1. The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
 - (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to wetlands.
 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) limits of the staging area(s)
 - (2) construction corridor(s)
 - (3) construction site

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- (4) location of construction fencing and temporary job trailers with respect to existing wetlands

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

26. PERMIT COMPLIANCE

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

27. REVISED VESTING TENTATIVE TRACT MAP NO. 15381

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two copies of a revised vesting tentative map for Tract No. 15381. The revised map shall show only five legal lots as generally depicted in Exhibit 1, page 4; namely, 1) the lot currently owned by the California State Lands Commission, 2) the lot currently owned by the City of Seal Beach Redevelopment Agency, 3) proposed Lot 2 which is proposed to be further subdivided into seventy residential lots pursuant to proposed Tentative Tract Map 15402, 4) proposed Lot 3 for the proposed dedication of Gum Grove Park, which shall be in substantial conformance with the configuration shown on the map submitted with the permit application and maintain the proposed minimum 25 wide frontage along Seal Beach Boulevard, and 5) a lot consisting of the remainder of the subject site owned by the applicant. The applicant shall record the revised map approved by the Executive Director. No further subdivision of the lot identified in sub-section 5 shall occur other than to accommodate the transfer of land to a non-profit entity, subject to the review and approval of the Executive Director, for wetlands restoration, open space and environmental education purposes and which shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

Note: Special Condition 27 Replaces Special Condition 2 in its entirety.

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NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT

Permit Application No. 5-97-367-A1

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28. RESERVATION OF POTENTIAL FOR ACQUISITION OF OIL PRODUCTION AREA FOR WETLANDS RESTORATION

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which shall provide that:
- (1) At the time oil production ceases and for a period of twenty-five years thereafter, the applicant agrees to sell the oil production area of the property as defined in "Attachment 1" (as revised pursuant to subsection B. of Special Condition 16) to any public agency or non-profit association acceptable to the Executive Director that requests in writing to purchase the property or, through the normal State of California land acquisition practices if the State is the prospective buyer; and,
 - (2) The sale shall be at fair market value as established by an appraisal paid for by the buyer and prepared by an appraiser mutually acceptable to the buyer and applicant, or, if the parties are unable to agree, by an appraiser designated by third party, or if the buyer and applicant agree through an arbitration on value; and,
 - (3) The uses shall be restricted to wetlands restoration, open space and environmental education purposes, with reversion rights to the State Coastal Conservancy.

Within 30 days of the cessation of oil production, the applicant shall notify the Executive Director in writing of the date oil production ceased. The deed restriction shall remain in effect for twenty-five years from the date oil production ceases and be recorded over the oil production area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

COASTAL COMMISSION

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OF

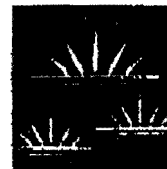
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GLENN LUKOS ASSOCIATES

Regulatory Services



August 21, 2001

Dave Bartlett
Dave Bartlett Associates
36 Bramford Street
Ladera Ranch, California 92694

Subject: CDP 5-01-288: Invasive Exotic Plants in Landscape Plan for Hellman Ranch;
Seal Beach, California

Dear Mr. Bartlett:

GLA has reviewed the proposed landscape plan, dated May 22, 2001, for the Hellman Ranch project. The proposed plan provided plant palettes and plant locations for areas that are internal to the development as well as for areas that are adjacent to areas of proposed open space. The open space areas exhibit at least some potential for wetland or upland restoration and will also include a treated water quality wetland to the west of the development. In addition to reviewing the proposed landscape plan, GLA has also reviewed a letter from the California Coastal Commission addressed to you that discusses concerns regarding the use of invasive species within the proposed landscape areas. The Commission's letter cites a list of invasive species, identified by the California Native Plant Society (CNPS), which could cause damage to both existing habitats and to future habitat restoration efforts. Upon review of each of these documents, GLA coordinated with Urban Arena, the project Landscape Architect to modify the plan based upon GLA's comments and suggestions. Below is a summary of changes made to the plan that eliminates potential impacts to future wetland restoration due to the presence of invasive species.

Only one species on the landscape plan, *Schinus molle*, has been identified by CNPS as an invasive exotic species. One additional species, (*Cytisus canariensis*) which is referenced by the common name "Spanish broom" in the plan, is noted in the Coastal Commission's July 26 letter as a non-native invasive species. The presence of fountain grass (*Pennisetum* spp.), a genus that includes a number of invasive species, was also noted during review of the plans.

Peruvian Pepper

The Peruvian pepper (*Schinus molle*) has not been eliminated from the plan; however, it has been limited to areas internal to the housing development or on along Seal Beach Boulevard. This species is not considered invasive in wetland areas as is the closely related *Schinus*

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Dave Bartlett
Dave Bartlett Associates
August 21, 2001
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terebinthifolius and it is interesting to note that in the recently published *Invasive Plants of California's Wildlands*,¹ *Schinus Molle*, although mentioned as a relative of *Schinus terebinthifolius* is not identified as an invasive exotic. Nevertheless, this species will not be used on slopes adjacent to the water quality wetlands or potential wetland restoration areas.

Spanish Broom

It appears that *Cytisus canariensis* has been confused with *Spartium junceum*, the true "Spanish Broom" which is listed by CNPS as well as in *Invasive Plants of California's Wildlands* as an invasive exotic. Even so, in order to ensure that impacts from this species do not occur, it has been completely eliminated from the landscape plan and will not be used in landscaping for the project.

Fountain Grass

Finally, as a precautionary measure, the two species of fountain grass (*Pennisetum* spp.), have been removed from the landscape plan as other members of this genus (e.g., *P. setaceum* and *P. clandestinum*) exhibit high levels of invasiveness.

No other invasive species or potentially invasive species were identified in the landscape plan. With implementation of these changes in the plan, there is no potential for adverse impacts to either the water quality swale/wetlands or to future wetland or upland restoration in the Lowland portions of the site.

If you have any questions regarding this letter please contact me at (949) 837-0404

Sincerely,

GLENN LUKOS ASSOCIATES



Tony Bonkamp
Senior Botanist

90140-6a.lp

¹ Bossard, C., J. Randall, and M. Hoshovsky. 2000. *Invasive Plants of California's Wildlands*. U.C. Press, Berkeley, California.

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