CALIFORNIA COASTAL COMMISSION

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Commission Action:	

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-03-355

APPLICANT: Boeing Realty Corporation
Attn: Alan DeFrancis

AGENT: Dave Bartlett; Nancy Lucast; Clay Corwin, et al

PROJECT LOCATION: 2600 Westminster, Seal Beach, Orange County

PROJECT DESCRIPTION: Subdivision of a single, approximately 107 acre lot into 23 lots, including 20 numbered lots and 3 lettered lots; demolition of twelve existing buildings; grading including 30,000 cubic yards of cut and 150,000 cubic yards of fill; construction of public and private infrastructure associated with development including sewer, water, storm drain, water quality, street improvements, landscaping, and traffic signals; a wetland enhancement plan increasing the existing 0.06 acre of on-site wetlands to approximately 1.34 acre of wetland habitat; a water quality treatment system; and, construction of 12 new light industrial buildings, totaling 913,000 square feet of floor area on twelve of the proposed lots.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval in Concept, 8/21/03

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to 9 special conditions which require: 1) the proposed habitat creation to be carried out as proposed with the addition of an appropriate monitoring system; 2) confining the limits of grading to that proposed in order to assure no impacts to wetlands; 3) general construction responsibilities; 4) night lighting to be directed away from sensitive habitat; 5) that the landscape plan be carried out as proposed; 6) archaeological monitoring; 7) evidence of a reciprocal parking agreement; 8) that the water quality management plan be carried out as proposed; and, 9) conformance of the plans to the geotechnical recommendations.

The special conditions are necessary to assure that the proposed development conforms to the habitat, archaeological, public access, water quality, and hazard policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Boeing Specific Plan Project, Environmental Impact Report (SCH No. 2002031015); Conceptual Habitat Creation Plan, Glenn Lukos Associates, November 2003; Revised Biological Technical Report, Glenn Lukos Associates, November 18, 2003; Technical Memorandum, Glenn Lukos Associates, May 21, 2004; Water Quality Management Plan, Fuscoe Engineering, Inc., October 2003; Water Quality Clarifications Technical Memorandum, May 17, 2004; Subsurface Investigation and Evaluation, EDAW, Inc., December 2003; Archaeological and Native American Monitoring Plan, February 2004; Parking Assessment, Linscott, Law & Greenspan, December 1, 2003; Parking Assessment Update Memorandum, Linscott, Law & Greenspan, June 1, 2004; California Department of Fish and Game, letter, April 19, 2004; California Regional Water Quality Control Board, Letter, April 30, 2004.

STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-03-355 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Habitat Enhancement

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised Habitat Creation Plan, which incorporates all the measures described in the Conceptual Habitat Creation Plan, prepared by Glenn Lukos Associates, dated November 2003, but in addition shall also include a monitoring program that includes, at a minimum:

1) success criteria that have requirements for both percent vegetative cover and plant species diversity, and,

a) if final success is based on a sampling program, the design should incorporate spatially stratified random sampling and include replication requirements that will insure that usefully narrow confidence intervals will be obtained,

or

b) a census of the area;

2) final monitoring to take place after at least three years without remediation or maintenance other than weeding.

B. 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 legally required.

2. Limits of Grading

A. No grading shall occur closer to the edge of the wetlands within the Los Alamitos Retarding Basin than appears on the LARB – Delineation of Wetland Parameters prepared by Glenn Lukos Associates, attached to the Technical Memorandum prepared by Glenn Lukos Associates, dated May 19, 2004 (Revised July 7, 2004).

B. No grading shall occur closer to the existing on-site wetlands within the central ditch and within the southern ditch than appears on the LARB – Delineation of Wetland Parameters prepared by Glenn Lukos Associates attached to the Technical Memorandum prepared by Glenn Lukos Associates, dated July 12, 2004.

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 legally required.

3. General Construction Responsibilities

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

1. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to flagging, staking or plastic mesh fencing) shall be placed between the construction areas and on-site habitat area. All temporary flagging, staking, fencing shall be removed upon completion of the development. No work shall occur beyond the limits of the project as identified on the project plans (Conceptual Grading Plan, prepared by Tait & Associates, dated 11/13/03).
2. In addition, to the demarcation described above, the on-site habitat areas shall be protected by silt fencing, sand bags, and any other measures deemed necessary to protect the on-site habitat areas.
3. A qualified biologist will conduct field visits at a minimum of every other week to ensure that the integrity of the wetland protection measures is maintained.
4. Any inadvertent impacts to the wetlands areas by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is legally required.
5. No construction materials, debris, or waste shall be placed or stored where it may encroach upon the wetland habitat areas or enter any drainage;

6. Prior to commencement of any grading activities and a minimum of every other week thereafter, between March 15 and August 15, a survey for avifauna shall be conducted within the Los Alamitos Retarding Basin; if any nests are discovered, no grading may occur within 100 feet of the Los Alamitos Retarding Basin until the nest is no longer used;
7. Construction materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into habitat areas and coastal waters by wind, rain or tracking. 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 selected shall be maintained in a functional condition throughout the duration of the project. A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines.
8. Disposal of debris and excess material. Debris and excess material shall be disposed or recycled at a legal disposal/recycling 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. No debris or excess material shall be placed on or within adjacent park or habitat areas.
9. Debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.
10. Any and all debris resulting from construction activities shall be removed from the project site within 7 days of completion of construction.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a site access, staging, work area and equipment storage plan(s) which conforms with the requirements of subsection A.1 through A.10 of this special condition. The permittee shall undertake development in accordance with the approved final plan(s). Any proposed changes to the approved final plan(s) shall be reported to the Executive Director. No changes to the approved final plan(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Lighting

Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

5. Landscape Plan

A. Landscaping shall occur consistent with the proposed landscape plan, sheets L-0.1 through L-13.0, prepared by Clark and Green Associates, dated 11/7/03 and approved by the applicant's biologic consultant Glenn Lukos Associates.

B. Consistent with the proposed plan, only non-invasive, low water use plants shall be used. In addition, consistent with the proposed plan, only native plants shall be used within 100 feet of the central and southern ditches, the water quality basins, and the Los Alamitos Retarding Basin.

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 legally required.

6. Archaeological Monitoring

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a revised archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

1. The applicant shall comply with all recommendations and mitigation measures contained in the Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, prepared by EDAW, Inc., dated August 2001 (revised January 2002, February 2002, April, 2003), the Subsurface Investigation and Evaluation at Boeing Property, prepared by EDAW, inc., dated December 2003, and as amended by the Archeological and Native American Monitoring Plan, dated February 2004 and as further modified by the conditions below and any other applicable conditions of this permit;
2. If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. No significance testing, investigation or mitigation shall commence until the provisions of this special condition are followed, including all relevant subsections;
3. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B. of this special condition;

4. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition, including all subsections;
5. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;
6. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
7. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.
8. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.

B. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the

area where construction activities must cease shall be no less than a 50 foot wide buffer around the cultural deposit.

C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
   (1) If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
   (2) If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
   (3) Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

D. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well

as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

(1) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.

(2) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.

F. 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.

7. **Reciprocal Parking Agreement**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Reciprocal Parking Agreement, indicating that adequate parking will be provided for each existing and proposed use at the site.

B. 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.

8. **Water Quality**

A. The applicant shall carry out the Water Quality Management Plan, prepared by Fuscoe Engineering, dated October 2003 as proposed.

B. 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.

9. **Conformance of Design and Construction Plans to Geotechnical Information**

A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Updated Geotechnical Feasibility Report, prepared by Sladden Engineering, dated July 28, 2002 (updated 8/22/02); and Sladden Engineering Geotechnical Summary letter, dated November 14, 2003.

B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that the geotechnical consultant has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

C. 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing a development known as Pacific Gateway Business Center. The proposed development includes a number of different elements. The entire property to be subdivided is approximately 107 acres. Of the 107 acres site, 49.74 acres (proposed Lots 1-10 and 12 and 13) are proposed to accommodate 12 new buildings on 12 new lots. The existing Boeing facility currently occupies 40.17 acres (proposed Lots 14, 15, and 16) of the site. No construction is currently proposed on 4.46 acres (proposed Lots 17, 18, 19, and 20). Proposed Lot 11 will support an existing Southern California Edison substation on 0.39 acres. The remaining 12.1 acres of the 107 acre site will include the lettered lots and public streets. The major elements of the proposed project are described below.

Subdivision

The applicant is proposing to subdivide an existing, approximated 107 acre parcel into 23 lots, including 20 numbered lots and 3 lettered lots. Proposed Lots 14, 15, and 16 are currently developed with the existing Boeing Integrated Defense buildings. Other than the subdivision of the underlying lot, no further development is proposed in this area. Proposed Lots 1 – 10, 12, and 13 are to be developed as the business park. Lots 17, 18, and 19 are proposed as Retail/Commercial/Business Park lots, but no buildings are currently proposed on these lots. Lot 20 (2.06 acres), which fronts on Westminster Avenue, is proposed as a Hotel/Business Park lot. However, no buildings are currently proposed on Lot 20. Proposed Lot 11 (0.39 acres) is currently developed with the existing Southern California Edison substation that serves only the existing Boeing Integrated Defense Systems campus. The existing substation is proposed to remain. No development other than the subdivision will occur on Lot 11. Proposed Lot A (0.21 acres) will include landscaping and monumentation. Proposed Lot B (4.53 acres) will contain the proposed water quality detention basins and habitat restoration areas. Proposed Lot C (0.75 acres) will include parking, landscaping and monumentation. In addition, publicly dedicated streets will account for 6.61 acres of the proposed site. (For a list of the areas of each lot see exhibit C).

Demolition

The applicant also proposes to demolish a total of twelve buildings ranging in square footage from 150,636 square feet (Building 86) to 760 square feet (Building 94). The buildings to be demolished are currently part of the Boeing Integrated Defense Systems campus. The buildings to be demolished are located within the area proposed to be subdivided into Lots 6 – 10 and Lots 12 and 13. In the areas proposed to become Lots 17, 18, 19 and 20 and Lots 1 and 2, existing paved area will be removed as part of the

proposed demolition. No buildings are currently proposed in the area of proposed lots 17, 18, 19 and 20. Also, paved area within proposed Lot 1 area will be removed. All existing utilities within the demolition areas are proposed to be cut and capped.

Construction

The applicant is proposing to construct 12 new buildings intended for warehouse/manufacturing uses. In addition, each building will have an ancillary office use. Each building is proposed to have a first floor and mezzanine area. Following is a table describing the proposed buildings.

Bldg./Lot #	Parcel Size	Sq. Footage	Height	Parking Spaces
1	3.21 Acre 139,828 s.f.	Total 54,000 49,000 1st Fl. 5,000 mezz	34' 38' to screen	121
2	3.24 Acre 141,134 s.f.	Total 57,000 52,000 5,000	34' 38' to screen	121
3	4.51 Acre 196,456	Total 78.000 73,000 5,000	34' 38' to screen	171
4	5.45 Acre 237,402 s.f.	Total 108,000 99,000 9,000	40' 44' to screen	231
5	9.23 Acre 402,059 s.f.	Total 184,000 172,000 12,000	40' 44' to screen	382
6	3.06 Acre 133,294 s.f.	Total 45,000 41,000 4,000	34' 38 to screen	132
7	5.41 Acre 235,660 s.f.	Total 100,000 94,000 6,000	40' 46' to screen	201
8	2.48 Acre 108,029 s.f.	Total 43,000 39,000 4,000	34' 38' to screen	102
9	2.48 Acre 108,089 s.f.	Total 40,000 36,000 4,000	34' 38' to screen	96
10	3.23 Acre 140,669 s.f.	Total 64,000 59,000 5,000	36' 40' to screen	119
11	.39 Acre 16,988 s.f.	Existing SCE Substation		
12	4.28 Acre	Total 76,000	36'	163

	186,437 s.f.	71,000 5,000	40' to screen	
13	3.16 Acre 137,650 s.f.	Total 64,000 59,000 5,000	36' 40' to screen	133

Grading

Grading of approximately 180,000 cubic yards is proposed, including 30,000 cubic yards of cut and 150,000 cubic yards of fill. Thus, 120,000 cubic yards of fill material is expected to be imported from off site. The import material will be used to fill the basements that are to be demolished, supplement site compaction requirements and construct thirteen building pads. The building pads are proposed to be constructed to promote positive drainage to the water quality basins, and to provide adequate cover over the utility lines. The applicant has indicated that the location of the import material site will be outside the coastal zone. However, no site has been specifically identified. If the borrow site, although not anticipated, turns out to be located within the coastal zone, an amendment to this permit or a new coastal development will be necessary unless the Executive Director determines that none is legally necessary.

Public and Private Infrastructure

The on-site infrastructure proposed includes streets, sidewalks, sewer, water, and storm drain improvements. Public improvements to Seal Beach Boulevard include new medians and landscaping, new turn pockets into the project site, and new and upgraded synchronized traffic signals. Public improvements to Westminster Avenue include upgrading existing medians and landscaping, new turn pockets and new and upgraded synchronized traffic signals. Also proposed is construction of a new public sidewalk along Westminster Avenue, and improvements to the existing sidewalk along Seal Beach Boulevard. In addition, the applicant will pay $1.8 million in transportation fees to the City of Seal Beach for roadway and intersection improvements within the City.

Water Quality

The proposed project includes a Water Quality Management Plan (WQMP) prepared by Fuscoe Engineering, dated October 2003. The proposed WQMP includes on-site water quality treatment and pre-treatment of urban runoff though incorporation of site design, source control, and treatment (both structural controls and biofiltration) Best Management Practices.

Habitat Creation Plan

Three drainage ditches (earthen channels) were constructed on the site in 1966 to drain the existing Boeing facility. The south ditch contains approximately 0.01 acre of wetland habitat. The central ditch contains approximately 0.05 acre of wetland habitat. The north

ditch does not contain wetland habitat. The existing 0.06 acre on-site wetland habitat is proposed to be retained on site and unaltered. In addition to the 0.06 acre of existing wetland habitat, the applicant is proposing to create additional wetland habitat in the south and central ditch areas. Approximately 1.10 acres of emergent and fresh water marsh is proposed to be created in the south ditch area. The proposed basin will consist of a low flow channel meandering around existing wetland areas, as well as high and low marsh areas located beyond the low flow channel. The proposed basin area will encompass the existing location of the south ditch while avoiding impacts to the existing 0.01 acre wetland area. In addition to the existing and proposed habitat in the south ditch area, approximately 0.18 acre of alkali meadow/marsh habitat will be created on eight-foot wide terraces located along each side of the central ditch.

Location

The proposed project is located at the southwest corner of the intersection of Seal Beach Boulevard and Westminster Avenue, in the City of Seal Beach. The site is located at the inland boundary of the coastal zone, approximately one and a half miles inland of the beach. To the west of the subject site is the Orange County Flood Control District's Los Alamitos Flood Control Channel and Retarding Basin. The U.S. Naval Weapons station is across Seal Beach Boulevard to the west of the subject site. To the north of the site, across Westminster Avenue is Leisure World.

B. Biological Resources

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, Section 30233 of the Coastal Act limits the fill of wetlands to eight specifically enumerated uses. Other than the eight specific uses, no other wetland fill may occur. The project site includes approximately 0.06 acres of wetland. In addition, the Los Alamitos Retarding Basin adjacent to the project site contains wetland areas. The proposed development does not include any fill of these on-site and adjacent wetlands. The area immediately surrounding the on-site wetlands is proposed to be enhanced for habitat and water quality purposes.

The subject site is a flat open field adjacent to Westminster Avenue and between the existing Boeing industrial complex and parking lots and the Los Alamitos Retarding Basin

(LARB). The field is regularly disced. The vegetation that is present in the field is ruderal or comprised of exotic ornamentals. The field is traversed by three drainage ditches, constructed in fill, that convey runoff to the retarding basin. The only biological resources identified at the site are found within the drainage ditches. Like the field, the drainage ditches are subject to periodic clearing, in this case for flood-control purposes.

Habitat Creation Plan

The three drainage ditches (earthen channels) were constructed on the site in 1966 to drain the existing Boeing facility. The south ditch contains approximately 0.01 acre of wetland habitat. The central ditch contains approximately 0.05 acre of wetland habitat. The north ditch does not contain wetland habitat. The existing 0.06 acre on-site wetland habitat is proposed to be retained on site. In addition to the 0.06 acre of existing wetland habitat, the applicant is proposing to create wetland habitat in the south and central ditch areas (Conceptual Habitat Creation Plan, prepared by Glenn Lukos Associates, dated November 2003). Approximately 1.10 acres of emergent and fresh water marsh is proposed to be created in the south ditch area. The proposed basin will consist of a low flow channel meandering around existing wetland areas, as well as high and low marsh areas located beyond the low flow channel. The proposed basin area will encompass the existing location of the south ditch while avoiding impacts to the existing 0.01 acre wetland area. In addition to the existing wetland habitat in the south ditch area, approximately 0.18 acre of alkali meadow/marsh habitat will be created on eight-foot wide terraces located along each side of the central ditch. The newly created habitat areas will also function, to varying degrees, as water quality features.

Southern Tarplant and Wooly Sea-Blite

Other than the wetlands, most of the vegetation in the drainage ditches is non-native. However, there are two special status species: wooly sea-blite (Suaeda taxifolia; California Native Plant Society (CNPS) List 4) and southern tarplant (Centromadia parryi ssp. Australis; CNPS List 1b). (see Exhibit G, Memorandum from John Dixon, March 8, 2004). Regarding the wooly sea-blite at the site, the March 8, 2004 memorandum states:

> *"The wooly sea-blite is a shrub whose population at the Boeing site is comprised of 12 individuals located in the central and northern drainage ditches. This species does not appear to be rare or of such local significance as to be especially valuable due to its special nature or role in the ecosystem, and hence the area supporting this species does not constitute ESHA under the Coastal Act."*

And regarding the southern tar plant at the subject site, the March 8, 2004 memorandum states:

> *"Southern tarplant is an annual plant whose population at the Boeing site was comprised of a total of 385 individuals (composite of 2001 and 2002 surveys). The southern tarplant favors damp disturbed areas and is characteristically found in*

seasonally moist alkali grassland near the coast or on other saline or alkaline soils that are subject to irregular shallow flooding. Due to loss of its native habitat, it has become rare in California and its remaining habitat may qualify as ESHA [environmentally sensitive habitat area]. For example, the Orange County Chapter of the CNPS recommended that specialized habitats at Bolsa Chica that supported southern tarplant be designated ESHA, and the Commission agreed. However, at the Boeing site, the tarplant is not growing in one of the specialized natural habitats that has historically supported it, but rather it is growing among sparse exotic vegetation within a drainage ditch that was excavated from compacted fill materials. Tarplant was able to colonize the ditch because the fill is probably saline, the ditch has a great deal of bare space, and it is ephemerally flooded following rain events, factors that approximate the necessary characteristics of the plant's native habitat. However, the ditch containing the tarplant does not form part of a natural ecosystem, the area of the ditch is very small, it is closely surrounded by urban development, and it is separated from the nearest semi-natural tarplant habitat (Hellman Ranch) by the disced field and the retarding basin. Although southern tarplant and its native habitat are rare in coastal southern California, the artificial habitat in which a small population is growing at the Boeing site is neither rare nor especially valuable, and I recommend that the north drainage ditch not be considered ESHA under the Coastal Act."

Although the southern tarplant and wooly sea-blite are not considered ESHA, the applicant is proposing to relocate the southern tarplant and wooly sea-blite. The proposed "Conceptual Habitat Creation Plan", prepared by Glenn Lukos Associates, dated November 2003, includes the following description of the relocation:

- *"In order to mitigate adverse impacts to 385 individuals of southern tarplant and approximately 12 individuals of wooly sea-blite, a translocation program will be developed that provides for the on-site relocation of these populations to the 0.20-acre habitat protection area within the South Basin and to terraces adjacent to the Central Ditch. This would produce a more viable and protected population on site, since the 0.20-acre area within the South Basin and the wetland terraces will not be subject to the ongoing maintenance activities that currently disturb the existing populations within the North Ditch. The existing populations within the North Ditch are subject to ongoing vegetation clearing for drainage purposes and are continually disturbed in their current location on the site."*

Habitat Creation Plan - Monitoring

In addition to the southern tarplant and wooly sea-blite relocation, the "Conceptual Habitat Creation Plan" also proposes to create 1.28 acres of wetland area surrounding the existing wetlands in the central and southern ditches. No work is proposed within the existing wetlands. Section 30231 of the Coastal Act requires the quality of wetlands to be maintained. Section 30233 prohibits fill of wetlands for the uses currently proposed. The measures proposed in the Conceptual Habitat Creation Plan will maintain the on-site

wetlands. In addition, the proposed Conceptual Habitat Creation Plan (CHCP) will protect the existing wetlands by creating buffer areas comprised of habitat. The protection provided by the CHCP will significantly reduce the potential of fill inadvertently entering the existing wetlands in the future. Thus, the proposed CHCP will maintain and enhance the existing on-site wetlands consistent with Section 30231 and will help to prevent future inadvertent fill of the wetlands, which is consistent with Section 30233 of the Coastal Act. With regard to the proposed CHCP, the Memorandum from John Dixon, March 8, 2004 states:

> *"The habitat creation plan appears to be a feasible plan that will contribute significantly to the biological resources at the site. The final monitoring plan should incorporate success criteria that have requirements for both percent vegetative cover and plant species diversity. If final monitoring for success is based on a sampling program, then the design should incorporate spatially stratified random sampling and include replication requirements that will insure that usefully narrow confidence intervals will be obtained. An alternative approach for small areas such as in this restoration is to attempt a census of the area rather than conduct a sampling program. Final monitoring for success should take place after at least three years without remediation or maintenance other than weeding."*

The proposed CHCP monitoring plan does not incorporate the success criteria described in the memorandum. Thus, revisions to the CHCP to make the monitoring portion consistent with the requirements identified above are necessary. Therefore, as a condition of approval, the applicant shall submit a revised Habitat Creation Plan that incorporates a monitoring plan that reflects the requirements identified above. Only as conditioned is the proposed project consistent with Section 30231 of the Coastal Act which requires that wetlands be maintained and, where feasible, enhanced.

Impacts - Grading

Although no work is proposed to occur within the on-site or adjacent wetland areas, there is the possibility that inadvertent impacts may occur during construction if preventative measures are not in place. Grading of the site raises the greatest potential to create inadvertent impacts to the wetland areas. In order to minimize to the greatest extent feasible possible impacts during site grading, appropriate measures must be incorporated into the proposed project. The applicant's biological consultant has reviewed the proposed project and made recommendations regarding appropriate buffers from the wetlands during grading and additional avoidance and minimization measures to assure that potential impacts are reduced or eliminated (Technical Memorandum, Glenn Lukos Associates, 7/12/04). These are described below.

Buffers

Buffer areas are undeveloped lands surrounding wetlands and sensitive habitat. Buffer areas serve to protect wetlands and sensitive habitat from the direct effects of nearby

disturbance. In addition, buffer areas can provide necessary habitat for organisms that spend only a portion of their life in wetlands such as amphibians, reptiles, birds, and mammals. Buffer areas provide obstructions which help minimize the entry of domestic animals and humans to wetlands and sensitive habitat. Buffers also provide visual screening between wetland and other sensitive species that are sensitive to human impacts, such as lighting. Buffers can also reduce noise disturbances to wetland and sensitive species from human development.

The LARB is a separate legal lot that abuts the subject site. The distance between the LARB wetlands and the limits of project grading ranges from 28 feet to 116 feet, with an average width of 57 feet. The distance between the LARB wetlands and the proposed parking lot ranges from 80 feet to 170 feet, with an average distance of 115 feet (with the exception of the area that borders the Federal Channel). The distance between the LARB wetlands and the proposed structures upon completion of the proposed development will be greater than the distance from the limits of grading. The Federal Channel borders the project site for a linear distance of 244 feet. The Federal Channel is a flood control channel that enters the LARB and has little biological value.

Regarding the quality of the LARB wetlands, the applicant's consultant states:

> *"As discussed in the May 19, 2004 [Revised July 7, 2004] Technical Memorandum, the LARB exhibits low-growing herbaceous vegetation including alkali weed (Cressa Truxillensis), rabbitsfoot grass (Polypogon monspecliensis), brass buttons (Cotula coroniipifolia), and five-hook bassia (Bassia Hyssopifolia). There is no woody vegetation within the LARB and therefore no vegetation that would provide nesting sites. Nesting by avifauna would be limited to ground-nesting species, generally adapted to disturbed areas such as killdeer (Charadrius vociferous), mourning dove (Zenaida macroura), and mallards (Anan platyrhynchos). Potential impacts associated with grading would be limited to noise generated by construction equipment (e.g. scrapers and dozers). With appropriate measures (as outlined below), potential impacts to breeding avifauna can be substantially minimized or even eliminated."*

Reasons for requiring buffers from wetlands include reducing the chance of non-wetland, non-native plants invading the wetland, reducing the likelihood of introducing domestic predators such as dogs and cats to the wetland, reducing the likelihood of introducing human incursion into the wetland, and reducing the impacts from noise and lighting on wetlands. The proposed project includes creation of a series of water quality detention basins along the western edge of the site, between the LARB and the proposed parking lots. These basins will provide long term, passive use areas comprised of native wetland plant species. In addition, the LARB is currently bounded by an earthen embankment, which slopes up to the project site. This condition will not change with implementation of the proposed project. The elevation difference between the vegetation in the LARB and the project site is and will continue to be approximately 12 feet. This grade differential provides a vertical buffer between the LARB and the project site. The proposed

landscaping plan includes only native, non-invasive plants within 100 feet of the LARB (and on-site wetlands). Because the proposed project is a light industrial complex, it will not introduce domestic predators such as dogs and cats into the LARB. The LARB is currently fenced and is expected to remain so. In addition, the proposed project includes fencing and signage intended to prevent entry from the project site into the LARB. The project site is located in an urban area and is surrounded by residential and commercial development. Noise from the proposed project is not expected to be greater than current noise levels from surrounding residential development, oil field activities, and traffic on Westminster Avenue. In addition, project lighting is proposed to be directed away from the LARB both during and after construction. For these reasons, the final project as proposed incorporates adequate buffers between proposed industrial development and the LARB.

It should be noted that the limits of project grading will come as close as 28 feet to the LARB wetlands. However, the proposed grading constitutes a short term disturbance. In addition, the project has been conditioned to cease all grading within 100 feet of the LARB wetland if nesting birds are discovered. Furthermore, the likelihood of inadvertent fill due to the on-site grading entering the off-site LARB wetlands is extremely remote. Although the Commission typically requires a greater buffer distance, for these reasons, the proposed grading limits are deemed acceptable in this case.

The distance between the limits of project grading and the central ditch ranges from 9 to 12 feet, with an average width of 11 feet. (Grading is proposed within the project's permanent 25-foot buffer areas to create level contours, as well as to implement the proposed habitat creation area.) Regarding the central ditch, the applicant's biological consultant states:

> *"Avifauna have not been detected nesting in the Central Ditch during numerous surveys conducted on the site and nesting is not expected (most likely due to the drainage function, resulting in undesirable potential disturbances). Potential impacts to the wetlands associated with the Central Ditch would be limited to inadvertent discharge of side-cast soils during grading. With appropriate measures (as outlined below), such potential impacts during grading can be fully avoided."*

The distance between project grading limits and the wetland areas in the southern ditch ranges from 7 feet to 19 feet, with an average width of 13 feet. (As in the case of the central ditch, some grading is required for site preparation and implementation of the habitat creation area within the permanent 25 foot buffers). Regarding the southern ditch, the applicant's biological consultant states:

> *"Avifauna have not been detected nesting in the Southern Ditch during numerous surveys conducted on the site and nesting is not expected due to the degraded conditions in the ditch. Potential impacts to the wetlands associated with the Southern Ditch would be limited to inadvertent discharge of side-cast soils during*

grading. With appropriate measures (as outlined below), these potential impacts during grading can be fully avoided."

A 25 foot buffer area is proposed for both the central and southern ditches. Typically, the Commission imposes buffers of 100 feet from the edge of habitat areas. However, in this case, the 25 foot buffer is expected to be effective because the wildlife usage on the site is limited to common avifauna, such as black phoebe, American crow, mourning dove, killdeer, and house finch which are adapted to the urban setting. Also, the limited amount of existing wetland is a mix of native and non-native herbaceous species that exhibit very limited habitat value. The ditches are not natural and were created as drainage conveyance devices. The existing habitat value is marginal and the proposed disturbance is minimal. The proposed CHCP will enhance the existing marginal on-site habitat areas. For these reasons, the Commission finds that, in this case, the proposed reduced buffers will be effective. However, as discussed further below, potential adverse impacts to the adjacent and on-site habitat areas during grading must be addressed.

General Construction Responsibilities

Measures in addition to buffers identified by the applicant's consultant and proposed by the applicant as part of the overall project to minimize adverse impacts to the wetlands include the following. Prior to the start of construction, between March 15 and August 15, a qualified biologist will conduct surveys within the LARB for nesting avifauna within 100 feet of the limits of grading. In addition, as long as grading is occurring with 100 feet of the LARB, surveys will be conducted every two weeks for nesting avifauna during the breeding season (March 15 – August 15). If nesting avifauna are detected at any time during the breeding season, the applicant proposes the following measures which are recommended by the biological consultant: monitoring of the nest site to ensure that nesting activities are not adversely affected; and, if necessary, (as a result of evident disturbance), grading will be suspended within 100 feet of the nesting sites of common avifauna until such time as the impacted nest(s) is vacated. Measures proposed for the central and southern ditches, as recommended by the biological consultant, require that prior to the start of grading, silt fencing, sand bags, or other appropriate erosion control devices will be installed immediately adjacent to wetlands within the central and southern ditches. In addition, a qualified biologist will conduct field visits at a minimum of every other week to ensure that the integrity of the silt fence is maintained.

The measures proposed by the applicant address most of the concerns raised by the proposed project regarding potential impacts to the wetlands. However, if the proposed avifauna surveys within the LARB identify any nests, no work should continue within 100 feet of the LARB. As proposed, the work would only stop if disturbance to the nest(s) is identified. However, once actual disturbance is noted, the damage to nesting avifauna may be irreparable. To avoid this possibility and to minimize the risk of adverse impacts, all work within 100 feet of the LARB must be stopped upon discovery of a nest(s) until after the end of the nesting season (August 15).

In addition, the applicant proposes to install either silt fences or sand bags or other appropriate erosion control devices around the on-site wetlands. However, silt fences and sand bags, as well as any other appropriate erosion control devices should be installed around the on-site wetlands. The silt fences, in addition to preventing silt from entering the wetlands, also provide identification of the wetland locations to the construction crew, helping workers to avoid inadvertent fill of the wetland. In addition, the placement of sand bags will provide further protection of the wetlands from fill sloughing in. Such fill, even though inadvertent, would constitute unallowable fill of the wetland. Further, additional measures exist which would provide protection of the wetlands. These include flagging the wetland area, reporting any inadvertent impacts to the Executive Director within 24 hours and mitigating the impacts, prohibiting any construction materials, debris, or waste from entering the wetlands, properly containing any construction materials, debris, and sediment such that they do not enter the wetlands, implementation of Best Management Practices and Good Housekeeping Practices to prevent spillage and/or runoff from entering the wetlands, appropriate disposal of debris and excess materials, and removal of all construction debris within seven days of completion of construction.

Due to the presence of on-site and adjacent wetlands, it is necessary to assure that the proposed project's construction methods not result in adverse impacts to the wetlands, though none are anticipated. In order to protect the wetlands, a special condition is imposed which requires the applicant to incorporate these general construction responsibilities into the proposed project. The special condition requires that a General Construction Responsibilities Plan be submitted by the applicant for the review and approval of the Executive Director, and that the approved plan be implemented by the applicant. Only as conditioned is the proposed development consistent with Section 30231 of the Coastal Act regarding maintaining the quality of wetlands and with Section 30233 which limits wetland fill.

Landscaping

In addition, with regard to the proposed landscaping, the applicant's biological consultant states:

> *"I have reviewed the landscape plans, and my review indicates that the plant palette proposed in the landscape plan uses only non-invasive species. Additionally, the landscape plan utilizes only native plants within 100 feet of the central and southern ditches, the water quality basins, and the LARB. The plan is consistent with the goals of preserving and creating viable habitat at the site."*

The landscaping plan as proposed is adequate to prevent invasive plants from intruding into the on-site and LARB wetlands. In order to assure the landscaping plan is carried out as required, a special condition is imposed to assure that any changes first be reviewed by the Executive Director. Only as conditioned is the proposed project consistent with Section 30231 of the Coastal Act which requires wetlands be maintained and enhanced where feasible, and also with Section 30233 which prohibits unallowable fill of wetlands.

An additional way to minimize adverse impacts to the sensitive habitat areas is by controlling light on the project site. Exterior lighting of the new facilities could cause glare and disturb wildlife if not properly controlled. There should be additional buffering elements to address lights located on buildings and lighting for the parking areas. This can be addressed by controlling the direction of light and minimizing the amount of lighting to prevent lighting impacts. The applicant has proposed that the project lighting will be directed away from the wetlands both during and after construction. To assure that this occurs, a special condition is imposed which requires the applicant to incorporate these measures into the project. Therefore, only as conditioned is the proposed development consistent with Section 30231 of the Coastal Act which requires wetlands be maintained and enhanced where feasible.

C. Water Quality

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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.*

Roughly the western 62 acres of the 107-acre subject site is undeveloped. This area currently contains three man-made soft-bottom drainage ditches for conveyance of urban and storm water runoff from the existing hardscape of the property (i.e parking lots, buildings, etc.) to the LARB. These ditches were constructed in 1966 as drainage conduits when the site was development by North American Aviation (predecessor to Boeing).

The project proposes to construct a light industrial business park consisting of buildings, parking areas, road improvements, landscaped areas and designated water quality treatment areas. The proposed water quality treatment areas include a series of north-to-

south running water quality/detention basins and a separate water quality basin located within and south of the existing southern ditch.

Under existing conditions, the subject site drains in a westerly direction through the three man-made soft-bottom drainage ditches. The ditches discharge storm water into the LARB, which serves as a large retarding basin for the downstream end of the local drainage area. Four 54" RCP pipes drain the LARB into Reach 1 of the San Gabriel River before discharging into the Pacific Ocean.

With proposed development, there will be a net increase in approximately 37 acres of impervious surface. This net increase will result in an increase in urban pollutants typically associated with development such as trash, debris, sediment, nutrients, organic matter, oil and grease, and bacteria. The proposed water quality features are intended to treat and reduce the pollutant loads prior to discharging into the LARB.

The proposed Water Quality Management Plan (WQMP) was prepared by Fuscoe Engineering, Inc. and is dated October 2003. The proposed WQMP includes a number of Best Management Practices (BMPs). The first component of the WQMP involves site design BMPs. A primary objective of site design management measures is to preserve and enhance the ability of a site to capture, filter out and assimilate polluted runoff. The following site design BMPs are proposed as part of the project design: preservation of the man-made central drainage ditch and associated wetland habitat along the channel bottom; preservation of the two small existing wetland habitat patches in portions of the south ditch channel bottom; enhancement of wetland planting adjacent to the south ditch; minimization of impervious surfaces within the development area and minimize directly connected impervious areas, allowing for water quality treatment basins and retention areas to treat and control pollutants in storm water runoff prior to entering the LARB (approximately 2 acre footprint); preservation of existing and historic drainage patterns.

Pervious paving was considered, but was ultimately not included in the project for a variety of reasons. Pervious paving materials are prone to clogging, thereby reducing the effectiveness of their treatment capabilities. Notably, the existing soils in the region contain clay deposits and do not provide favorable infiltration characteristics for pervious pavement. Pervious pavement requires high infiltrating soils in order to prevent localized ponding of water. Lastly, the proposed storm drain inserts will provide low-flow treatment of all impervious surfaces for the existing and proposed development areas to remove the typical pollutants such as debris, trash, sediment, oil/grease and any pollutants typically attached to sediment such as heavy metals and bacteria.

The second component of the proposed WQMP includes source control BMPs. Source control or "pollution prevention" BMPs are geared to avoiding or eliminating the introduction of pollutants at the site and thus avoiding or eliminating their introduction into coastal waters. Proposed source control BMPs include: native wetland species planting within the water quality treatment basins and native drought tolerant species incorporated into landscaped areas; efficient irrigation systems including rain shutoff devices and flow

reducers; minimization of pesticide and fertilizer application and proper training of landscape personnel; properly designed trash enclosures to minimize contact with storm water; properly designed outdoor material storage areas with secondary containment and roofs or awnings to protect from direct precipitation; prohibition of direct connections of truck wells to the storm drain system; regularly scheduled sweeping of all streets and parking lots; routine maintenance of all catch basins, grate inlets, etc. for debris and litter removal; storm drain stenciling or signage on all catch basins with highly visible source control messages; educational materials related to urban runoff for all businesses and building owners, distributed at the time of the lease signing or occupancy; appropriate training of all applicable maintenance staff; spill contingency plan for all applicable facility uses; litter control for the entire project area, housekeeping of all loading docks to minimize potential contact of pollutants with storm water; BMP maintenance schedules including maintenance requirements of all natural treatment BMPs (water quality basins); and, regularly scheduled maintenance of the storm drain inserts including vector truck service for trash and debris removal and inspection and replacement of oil absorbents.

The third component of the proposed WQMP includes treatment control BMPs. Treatment control BMPs are structural methods that are used to control stormwater volumes and peak discharge rates, as well as to reduce the magnitude of pollutants (e.g. through containment or flow restrictions designed to allow settling, filtration, percolation, chemical treatment, or biological uptake). The proposed treatment control BMPs are designed to remove the pollutants typically associated with the proposed light industrial uses. In addition to the above described source control and site design BMPs, the proposed project will incorporate two significant treatment approaches intended to reduce the anticipated and potential pollutant discharges from the site prior to entering the LARB.

Two types of treatment control BMPs are proposed: continuous deflection separation (CDS) units or the equivalent, a type of storm drain insert; and, multi-purpose water quality detention basins. Runoff will be treated by CDS units/storm drain inserts strategically located throughout the project site. In total, there will be six locations where storm drain inserts will be installed to provide low flow treatment of runoff from the impervious surfaces. A CDS unit is a pre-cast vault system that removes debris, trash, oil/grease, sediment and parking lot particulates from storm water. The units will be installed underground within the storm drain system. As the water enters the underground storm drain system, it filters through the CDS unit and flows through a vortex sieve which traps sediment and debris while oil/grease floats to the top where an absorbent removes the oil/grease from the storm water.

One CDS unit will be installed to treat runoff from the existing parking areas (approximately 26 acres). Runoff from the existing parking areas will then be discharged directly into the LARB. The remaining five CDS units will discharge treated storm water to the central ditch, the southern ditch/water quality treatment basin, the retention basins on the western side of the property, and to the LARB. It should be noted that in addition to meeting general water quality treatment requirements, the storm drain inserts will provide significant source reduction of sediments prior to the runoff entering into the water quality

treatment areas (enhanced central and southern ditches, and water quality retention basins) and the LARB. Removal of sediments prior to discharging into the treatment areas will significantly enhance their functionality and extend the estimated time (i.e. years) before the basins have to be maintained for sediment removal.

A CDS unit (or an equivalent hydrodynamic separator) will treat runoff of the project area east of the central ditch (approximately 40 acres). After treatment, the flows will discharge into the ditch in a controlled manner to avoid erosion and impacts to existing habitat. The existing wetland habitat and proposed terrace plantings will provide additional indirect water quality treatment, mimicking the functionality of the ditch under the existing condition.

The second type of treatment control BMP proposed is the detention basins. The multi-purpose water quality/detention basins will treat the remaining runoff from the site. All runoff entering the treatment areas will be pre-treated with storm drain inserts as described above.

Runoff from the north portion of the site (approximately 19 acres) will discharge into the series of north-to-south water quality/detention basins along the western perimeter of the site. A series of low-flow under drain pipes will connect the basins together in order to deliver treated water to the discharge point into the LARB. These basins are also sized to accommodate storage of floodwaters above the existing condition. The series of basins are approximately 1 acre in size.

Runoff from the south portion of the site (approximately 22 acres) will discharge into the south water quality basin located between Adolfo Lopez Drive and the south ditch. The basin is also sized to accept the pre-treated flows from the adjacent industrial building and to accommodate detention of runoff for the 100-year storm event to regulate discharges into the LARB at the pre-development condition. Grading for the 1.1 acre south water quality basin will not disturb the two existing habitat patches in the southern ditch which will be preserved in place. Grading will include a 0.2 acre restoration site consisting of upper marsh habitat. The south basin will be designed with low-flow depression channels to maximize water quality treatment while allowing for detention capability. Within one of the high marsh islands, the wetland creation plan will include native plant revegetation and species (southern tarplant and wooly sea-blite) relocation and the area will be set aside as a low-maintenance zone in comparison to the high maintenance requirements for the water quality treatment wetland area. If the low-flow swale (depression channel) capacity is exceeded, excess flows will spill over into the planted wetland floor for the required first flush treatment.

The drainage area to the south ditch includes primarily portions of the existing campus parking lot, and the new proposed business park adding up to approximately 13 acres. The drainage area and subsequent nuisance flows that created the existing wetland habitat within the south ditch will be preserved and continue to drain into the preserved patch with the addition of the upstream water quality treatment device (CDS unit).

Although source controls will be part of the proposed project, it is expected that some nuisance flows will also originate from the new project creating an additional source of water to the existing and proposed wetland areas within the south ditch area. As with the existing area, these flows will also be treated prior to entering the vegetated area. In the event that the quantity of nuisance flows and low-flows are not sufficient to sustain the vegetation within the south ditch, a low-impact temporary irrigation system will be available for the drier months.

The water quality features are proposed to be maintained regularly in order to continue to function properly. The proposed WQMP includes appropriate maintenance measures to be implemented with the project.

The proposed development has been reviewed and approved by the California Regional Water Quality Control Board pursuant to Order No. R8-2004-0049 (see Exhibit I).

Section 30230 of the Coastal Act requires that marine resources be maintained, enhanced, and where feasible restored. In addition, Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and of wetlands be maintained and, where feasible, restored. The proposed development will drain into the LARB, which drains into the San Gabriel River before discharging into the Pacific Ocean. Because runoff from the subject site ultimately drains into the ocean, the quality of the runoff is required by Sections 30230 and 30231 of the Coastal Act to be enhanced. As described above, the applicant is proposing a WQMP that would achieve this Coastal Act water quality goal. Thus, an assurance that the WQMP will be implemented as proposed must be in place. Therefore, as a condition of approval, the applicant is required to carry out the Water Quality Management Plan as proposed. Only as conditioned is the proposed project consistent with Sections 30230 and 30231 of the Coastal Act.

D. Archaeological Monitoring

Section 30244 of the Coastal Act states:

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

In November 2003, the Commission approved Coastal Development Permit 5-03-279 (Boeing). The permit allowed implementation of an archaeological investigation at the subject site. The investigation was pursued because an earlier surficial survey of the site had identified seven potential prehistoric archeological sites based primarily on the presence of sparse to dense shell scatters. Since some or all of the site is overlain by some fill material, it was unknown whether the shell scatters were present because they were re-deposited on the site or they were generated by on-site activity. The initial goal of the testing program was to determine whether the cultural materials have been substantially redeposited from elsewhere. If testing found that the cultural materials were

not re-deposited, then an assessment was to be made as to whether the sites have any scientific value. If the sites were discovered to be intact and to retain integrity, the horizontal and vertical extent of the archeological sites were to be described and the materials analyzed. A report documenting the results of the investigation was generated (Subsurface Investigation and Evaluation, prepared by EDAW, December 2003) and found:

> *"The conclusion of this testing clearly illustrated that the shell material identified by the surface survey in September 2000 (Underwood 2000) is the result of imported fill material, and no intact cultural deposits were identified anywhere on the project area. Due to this lack of integrity, none of the sampled shell deposits meets the significance criteria of the California Register of Historic Resources and the National Register of Historic Places. Since no intact cultural deposits were encountered, no further evaluation by the State Office of Historic Preservation (OHP) or the Native American Heritage Commission is necessary under the CDP.)"*

The report goes on to conclude that future grading activities associated with the proposed development shall be monitored by qualified archaeological and Native American monitors.

Although no intact cultural deposits were found pursuant to the subsurface archaeological investigation recently completed, it is nevertheless possible that significant resources may yet exist at the site. Section 30244 of the Coastal Act requires that should such resources exist at the site, reasonable mitigation measures are required. The proposed site grading offers the optimum opportunity to review the site for artifacts. Monitoring the site during grading activities would allow identification of any heretofore undetected cultural resources. If such resources are found, then appropriate mitigation measures, as required by Section 30244, need to be developed.

The applicant has submitted an Archaeological and Native American Monitoring Plan, addendum to Subsurface Investigation and Evaluation at the Boeing Property – December 2003, dated February 2004. However, the proposed monitoring plan requires archaeological and Native American monitor(s) appointed by the City of Seal Beach, with no further discussion of appropriate qualifications. The monitors, in addition to being acceptable to the City of Seal Beach (the local government), should also meet the qualification standards of State Office of Historic Preservation (OHP) and of the standards of the Native American Heritage Commission (NAHC). In addition, the proposed monitoring plan requires that if any cultural resources are discovered, that the City Director of Development Services be notified. However, if cultural resources are discovered at the site, the Executive Director of the Coastal Commission must also be notified. Further, no evidence of review and approval of the proposed monitoring plan has been submitted. The plan, in order to assure its effectiveness, should be subject to the review and approval of appropriate Native American individuals and/or groups, determined in consultation with the NAHC. Furthermore, the proposed monitoring plan should be subject to peer review from a qualified archaeologist, determined in consultation with the OHP. In addition, the

monitoring plan should be submitted to the State Office of Historic Preservation and to the Native American Heritage Commission for their review and comment. Finally, if cultural resources are discovered, work should cease in order to assess the significance of the find. Once significance is determined, appropriate procedures to appropriately address the find should be in place. Without these measures clearly expressed in a monitoring plan, significant cultural resources may be damaged and/or lost, inconsistent with Section 30244 of the Coastal Act.

In order to assure that development is undertaken consistent with Section 30244 of the Coastal Act, the Commission finds that a revised monitoring plan must be submitted. The revised monitoring plan must reflect the requirements listed above, including, but not limited to, requiring the presence of Archaeological monitors qualified by State Office of Historic Preservation (OHP) standards and Native American monitors appointed consistent with the standards of the Native American Heritage Commission (NAHC) during all grading and earth moving activities; and provide sufficient archeological and Native American monitors to assure that all archeological work is monitored at all times. In addition, if any cultural resources are discovered, the applicant shall report such discovery to the Executive Director. If cultural deposits, including but not limited to, skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts are uncovered during grading/earth moving activities the ability to stop the work must be identified and, the archaeologist, in consultation with the Native American monitor, OHP and NAHC, shall evaluate the discoveries and, depending on the significance of the resources discovered, develop, where necessary, a plan for further investigation, and/or a monitoring plan, and/or a treatment plan for the review and approval of the Executive Director. Upon review of the summary report and any necessary plans, the Executive Director shall determine whether an amendment or new permit is required to implement those plans. If human remains are found, the Commission requires that the applicant carry out identification and avoidance, recovery or reburial consistent with State Law. The report summarizing the archeological investigation and any resultant plans shall also be submitted to the OHP, NAHC and the appropriate Native American persons/groups with cultural affiliation with the area that are designated or deemed acceptable by the NAHC. Therefore, the Commission imposes a special condition requiring these measures and finds that, only as conditioned, the project is consistent with Section 30244 of the Coastal Act.

E. Public Access/Visitor-Serving Development

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.*

The subject site is located adjacent to the inland boundary of the coastal zone, approximately 1 ½ miles inland of the beach. Nevertheless, Seal Beach Boulevard and Westminster Avenue are both arterials that lead to the coast and visitor-serving coastal amenities. In conjunction with the proposed development, the applicant will be providing road and sidewalk improvements, five new and upgraded synchronized traffic signals, and the payment of a fee for other City-wide transportation improvements.

Public improvements to Seal Beach Boulevard include new medians and landscaping, new turn pockets into the project site, and new and upgraded synchronized traffic signals. Public improvements to Westminster Avenue include upgrading existing medians and landscaping, new turn pockets and new and upgraded synchronized traffic signals. Also proposed is construction of a new public sidewalk along Westminster Avenue, and improvements to the existing sidewalk along Seal Beach Boulevard. In addition, the applicant will pay $1.8 million in transportation fees to the City of Seal Beach for roadway and intersection improvements within the City. These measures will contribute significantly to maximizing public access by maintaining and enhancing the flow of traffic along the adjacent beach access arterials, and enhancing pedestrian access in the project vicinity.

Section 30252 of the Coastal Act states, in part:

> *The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities ...*

The applicant has submitted a Parking Assessment for the proposed project, prepared by Linscott, Law & Greenspan, dated June 1, 2004 (see Exhibit K). The Parking Assessment analyzes the proposed project's anticipated parking demand based on the City of Seal Beach Code requirement for parking, the parking standards identified in the Parking Generation (2nd Edition) manual, published by Institute of Transportation Engineers (ITE), and on an existing similar development in nearby Huntington Beach (the McDonnell Center). Based on the evaluation of the standards and conditions identified above, the Assessment concludes:

> *"In our judgment, the City's Zoning code, which specifically outlines the requirements for office and industrial uses, is the most useful standard, with the ITE Parking Generation manual simply verifying that the City's Code requirements are reasonable and applicable.*
>
> *Based on our experience as traffic engineers and parking consultants, the Seal Beach Boeing project is parked at above minimum requirements, meets the standards that are applicable to this site and will provide more than adequate parking supply for the possible variety of uses."*

The information provided in the Parking Assessment adequately supports the assertion that the proposed development will provide sufficient parking to serve the proposed uses.

However, not all parking throughout the subject site, after the proposed subdivision, will be located on the same lot as the use/structure it currently serves. There must be an assurance that each proposed use/structure will continue to be served by a sufficient number of parking spaces. Depending on future ownership of each of the proposed lots, parking necessary to serve a use/structure on a different lot may not remain available to that use/structure in the future. This could result in parking shortages, inconsistent with the requirements of Sections 30210 and 30252. In order to assure that that doesn't happen, and to assure that adequate parking is provided with new development, a special condition is imposed which requires the applicant to submit evidence of a reciprocal parking agreement identifying the minimum number of necessary parking spaces to serve each of the proposed and existing uses/structures (as described in the Parking Assessment) and committing those spaces for the life of the proposed development. Only as conditioned, is the proposed project consistent with Sections 30210 and 30252 of the Coastal Act regarding the provision of maximum public access.

Section 30222 of the Coastal Act places a higher priority on the provision of visitor-serving commercial uses designed to enhance public opportunities for coastal recreation than on residential, industrial, or general commercial uses. The Specific Plan approved by the City in conjunction with the proposed project identifies proposed Lot 20 for future hotel use. Hotels constitute visitor serving uses. Thus, a future hotel at the subject site would be consistent with the preference identified in Section 30222 of the Coastal Act.

F. Geology

Section 30253 of the Coastal Act states:

> *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.*

Grading of approximately 180,000 cubic yards is proposed, including 30,000 cubic yards of cut and 150,000 cubic yards of fill. Thus, 120,000 cubic yards of fill material is expected to be imported from off site. The import material will be used to fill the basements that are to be demolished, supplement site compaction requirements and construct thirteen building pads. The building pads are proposed to be constructed to promote positive drainage to the water quality basins, and to provide adequate cover over the utility lines. Earth movement of this magnitude includes a measure of risk, including potential geologic instability.

An Updated Geotechnical Feasibility Report (Report) was prepared by Sladden Engineering, dated July 28, 2002. Regarding the proposed project, the Report states:

> *"Based upon our field investigation and laboratory testing, it is our opinion that the proposed development is feasible from a soil mechanic's standpoint provided that the recommendations included in this report are considered in building foundation design and site preparation."*

The geologic consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the Updated Geotechnical Report are implemented in the design and construction of the project. In order to assure that risks are minimized, the geologic consultant's recommendations should be incorporated into the design of the project. As a condition of approval, the applicant shall submit plans, including grading and foundation plans, indicating that the recommendations contained in the Updated Geotechnical Feasibility Report prepared by Sladden Engineering, dated July 28, 2002, have been incorporated into the design of the proposed project. Only as conditioned does the Commission find the proposed development consistent with Section 30253 of the Coastal Act which requires that geologic risks be minimized.

G. Visual Resources

Section 30252 of the Coastal Act requires that scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The subject site is currently developed with the Boeing Integrated Defense System complex. Immediately to the west is the Los Alamitos Retarding Basin. The site is bounded to the north and east by two major thoroughfares, Westminster Avenue and Seal Beach Boulevard. To the north, across Westminster Avenue, is the gated retirement community of Leisure World. Industrial development and City facilities exist to the south of the site. To the east, across Seal Beach Boulevard, is the U.S. Naval Weapons Station. In addition, the site is approximately one and a half miles inland of the ocean, at the inland boundary of the coastal zone. No public views currently exist at the subject site. The proposed development will be consistent with scale and character of the surrounding development. Therefore, the proposed project raises no issues with regard to consistency with Section 30252 of the Coastal Act regarding protection of scenic views.

H. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Seal Beach has neither a certified LCP nor a certified Land Use Plan. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to

prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

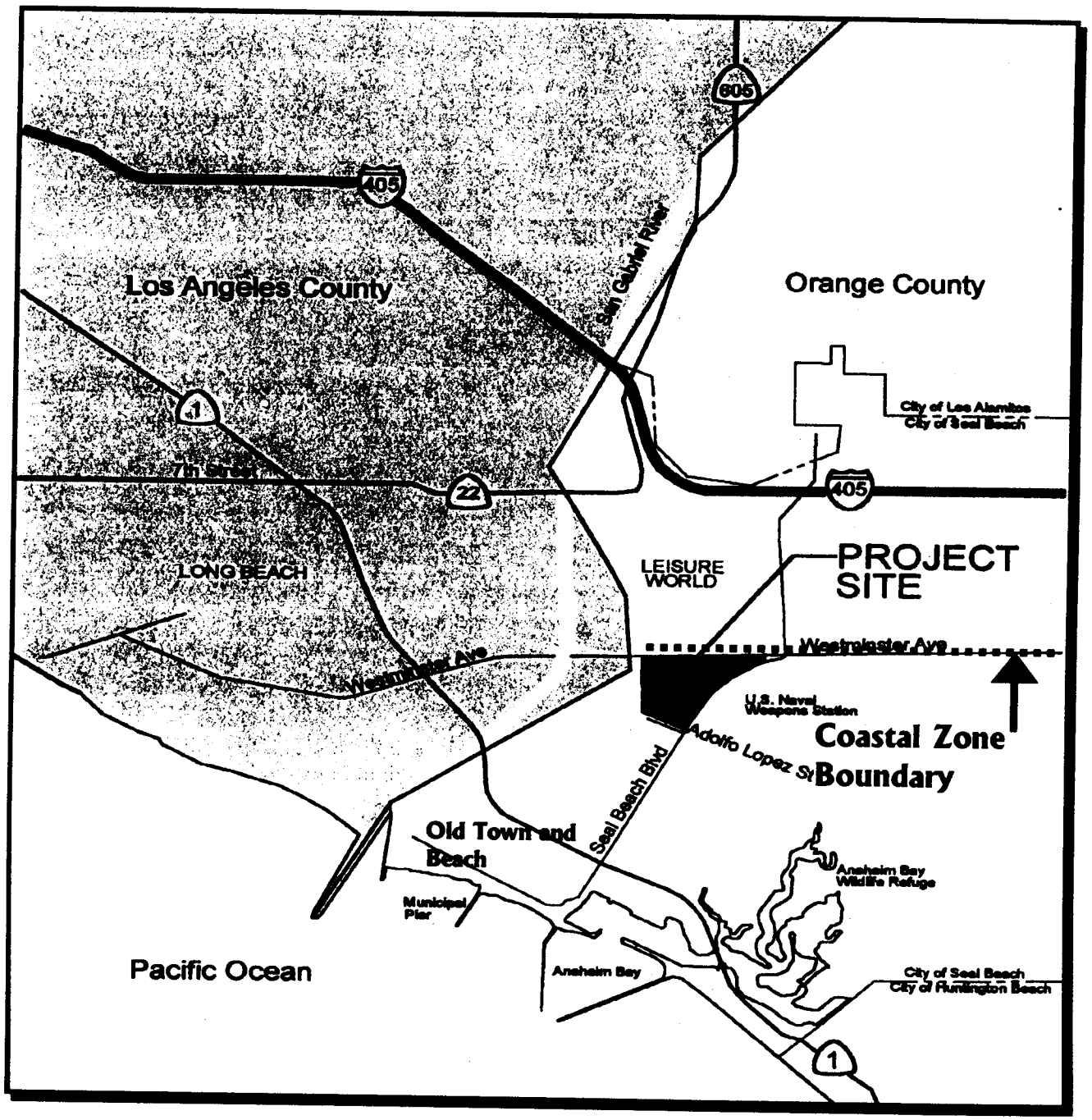
I. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 project as conditioned has been found consistent with the habitat, archaeological, public access, and water quality policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

ls

Pacific Gateway
Business Center

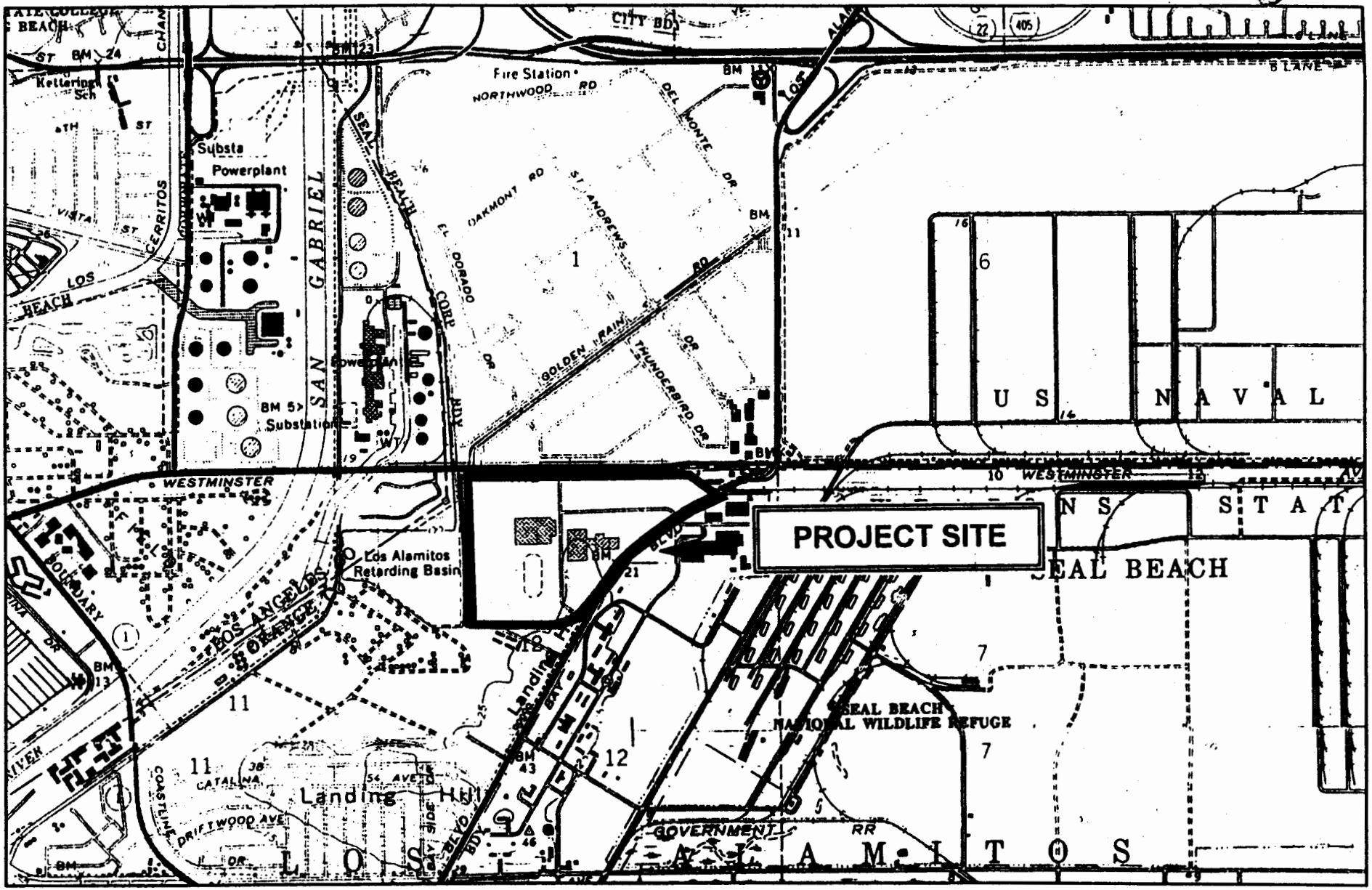


VICINITY MAP

COASTAL COMMISSION
5-03-355
EXHIBIT # A
PAGE 1 OF 2
Boeing

5-03-355

EXHIBIT A 2



Source: Adopted from USGS Los Alamitos and Seal Beach Quadrangle.

Not to Scale

RBF CONSULTING PLANNING ■ DESIGN ■ CONSTRUCTION

04/03 JN 10-101776

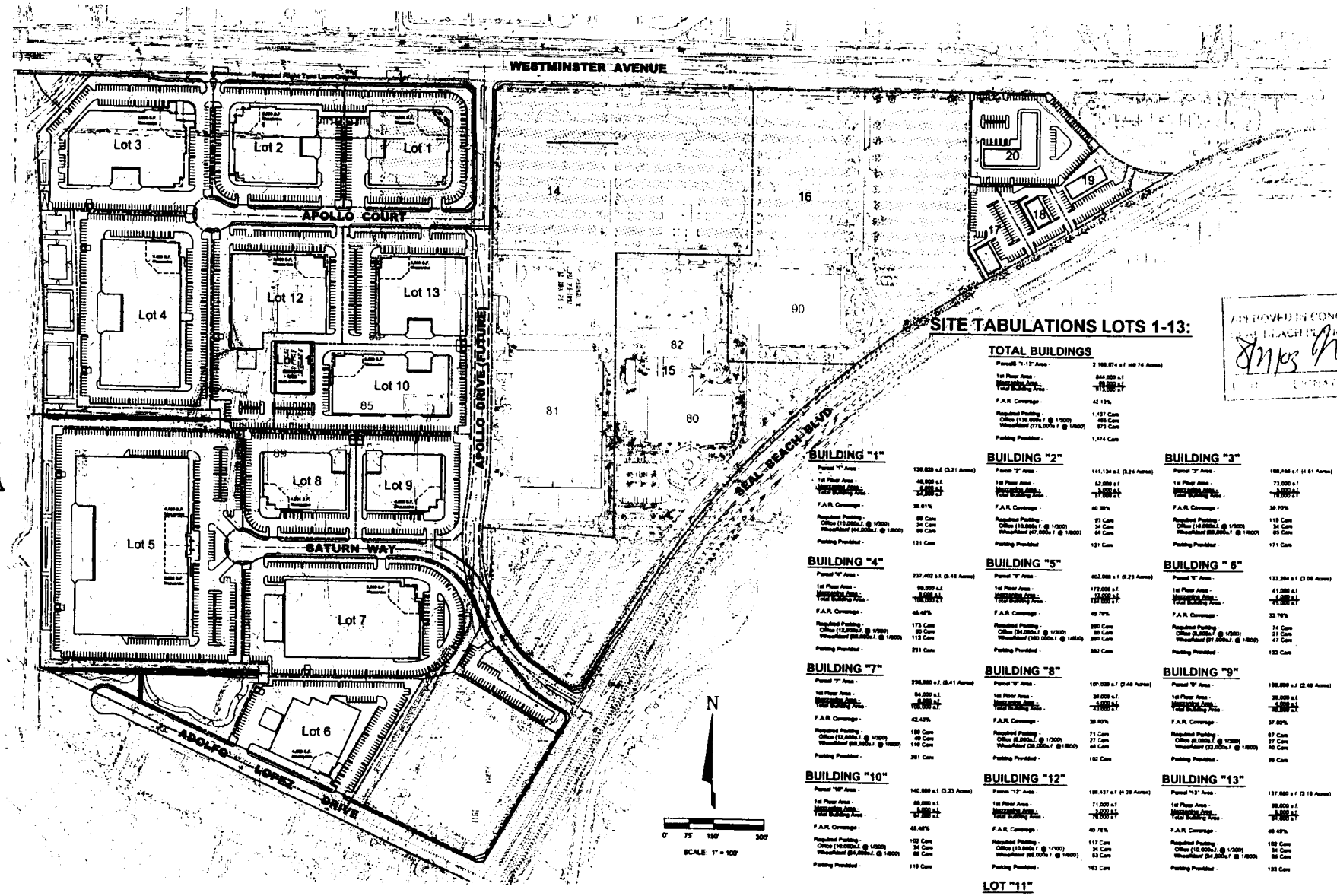
CITY OF SEAL BEACH
BOEING SPECIFIC PLAN PROJECT EIR

Site Vicinity

Exhibit 2

5-03-355
EXHIBIT B

LARB



APPROVED IN CONCEPT
SEAL BEACH PLANNING DEPT.
SIGNATURE

SITE TABULATIONS LOTS 1-13:

TOTAL BUILDINGS

BUILDING "1"

BUILDING "2"

BUILDING "3"

BUILDING "4"

BUILDING "5"

BUILDING " 6"

BUILDING "7"

BUILDING "8"

BUILDING "9"

BUILDING "10"

BUILDING "12"

BUILDING "13"

LOT "11"

SITE PLAN

Architect
DERevere & Associates
ARCHITECTURE, PLANNING, INTERIORS

Owner's Representative
StoneCreek Company
30322 Esperanza Ave.
Suite 200
Rancho Santa Margarita, California

PacificGateway
Seal Beach, CA

Pacific Gateway Business Center

Owner
Boeing Realty Corporation
15480 Laguna Canyon Rd
Suite 200
Irvine, California

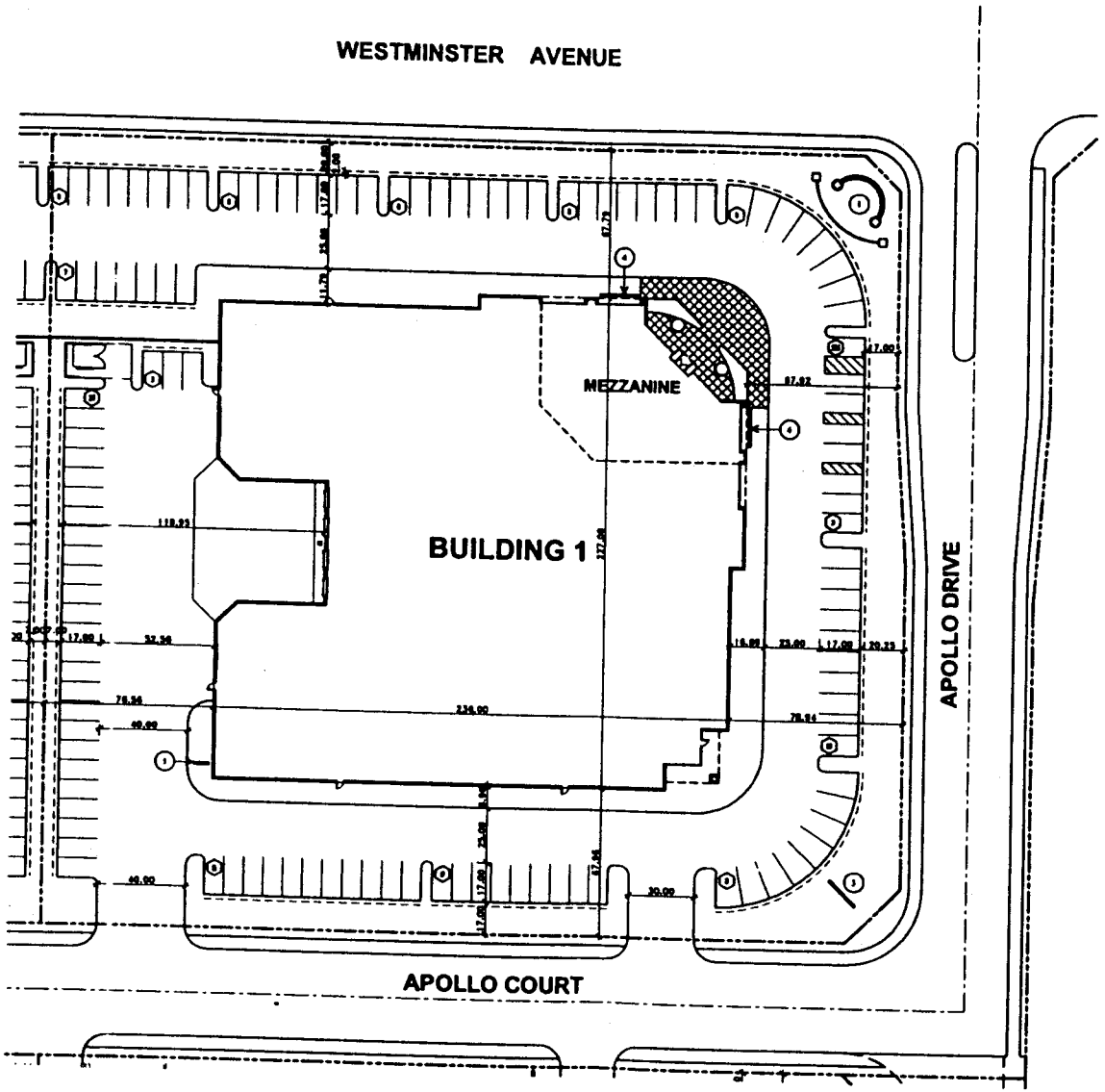
Master Site Plan
Sheet A-0.1

Attachment 3

Size of Lots to be Created

Lot 1	Business Park	3.21 acres
Lot 2	Business Park	3.24 acres
Lot 3	Business Park	4.51 acres
Lot 4	Business Park	5.45 acres
Lot 5	Business Park	9.23 acres
Lot 6	Business Park	3.06 acres
Lot 7	Business Park	5.41 acres
Lot 8	Business Park	2.48 acres
Lot 9	Business Park	2.48 acres
Lot 10	Business Park	3.23 acres
Lot 11	Existing SCE Substation	0.39 acres
Lot 12	Business Park	4.28 acres
Lot 13	Business Park	3.16 acres
Lot 14	Existing Boeing Campus	16.16 acres
Lot 15	Existing Boeing Campus	11.97 acres
Lot 16	Existing Boeing Campus	12.04 acres
Lot 17	Retail/Commercial/Business Park	0.83 acres
Lot 18	Retail/Commercial/Business Park	0.63 acres
Lot 19	Retail/Commercial/Business Park	0.94 acres
Lot 20	Hotel/Business Park	2.06 acres
Lot "A"	Water Quality / Restoration	0.21 acres
Lot "B"	Water Quality / Restoration	4.53 acres
Lot "C"	Parking	0.75 acres
Publicly Dedicated Streets		6.61 acres
	TOTAL	107 acres

Boeing



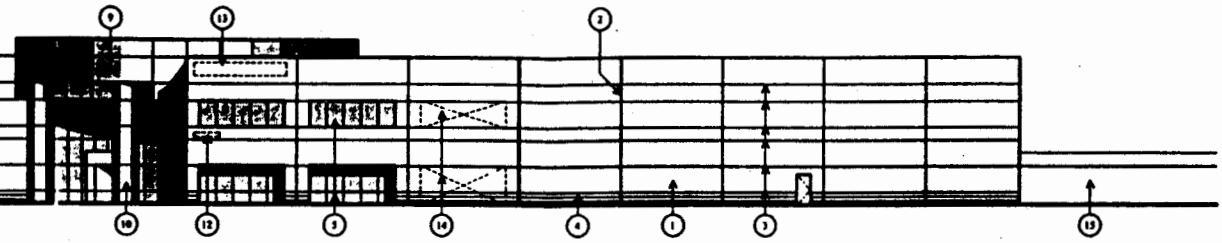
TABULATIONS

PARCEL 1 AREA -	139,828 S.F. (3.21 AC.)
1ST FLOOR AREA -	49,000 S.F.
MEZZANINE AREA -	5,000 S.F.
TOTAL BUILDING AREA -	54,000 S.F.
F.A.R. COVERAGE -	38.61%
REQUIRED PARKING -	89 CARS
OFFICE (10,000 S.F. @ 1/300)	34 CARS
WHSE/MANF (44,000 S.F. @ 1/800)	55 CARS
PARKING PROVIDED -	121 CARS

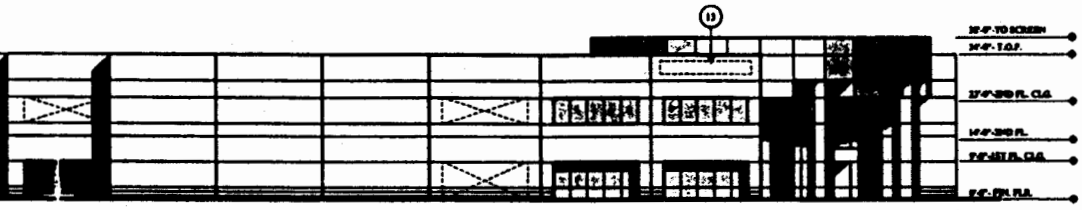
*SEE SHEET A-0.2 FOR SIGNAGE KEYNOTES & LEGEND

Building Plan
stamped

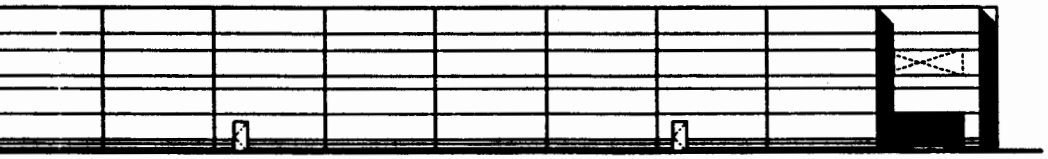
COASTAL COMMISSION
5-03-355
EXHIBIT # D
PAGE 1 OF 2



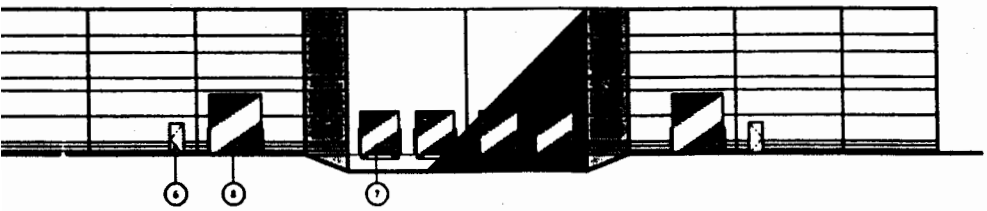
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

KEY NOTES

SCALE: 1/16" = 1'-0"

0 8 16 32

1. CONCRETE TILT -UP WALL PAINTED
2. CONCRETE PANEL JOINT
3. 2" REVEAL
4. ACCENT PAINT
5. BLUE REFLECTIVE GLAZING BY "VISTEON" SET IN CLEAR ANODIZED STOREFRONT SYSTEM
6. 3'X7' HOLLOW METAL DOOR PAINTED TO MATCH BUILDING
7. 8'X10' METAL ROLL - UP DOOR PAINTED TO MATCH BUILDING
8. 12'X14' METAL ROLL - UP DOOR PAINTED TO MATCH BUILDING
9. METAL ACCENT AT ENTRY ELEMEN
10. METAL COLUMN COVER
11. METAL CANOPY
12. BUILDING ADDRESS
13. BUILDING WALL SIGNAGE (100 S.F.
14. KNOCK-OUT PANEL FOR FUTURE GLAZING TO MATCH EXISTING
15. 12'-0" HIGH SCREEN WALL

5-03-355
EXHIBIT D2

BUSINESS PARK BUILDING 1

PacificGateway

Seal Beach, CA

Pacific Gateway
Business Center

Owner:

Boeing Realty Corporation
15480 Laguna Canyon Rd
Suite 200
Irvine, California

APPENDIX 1

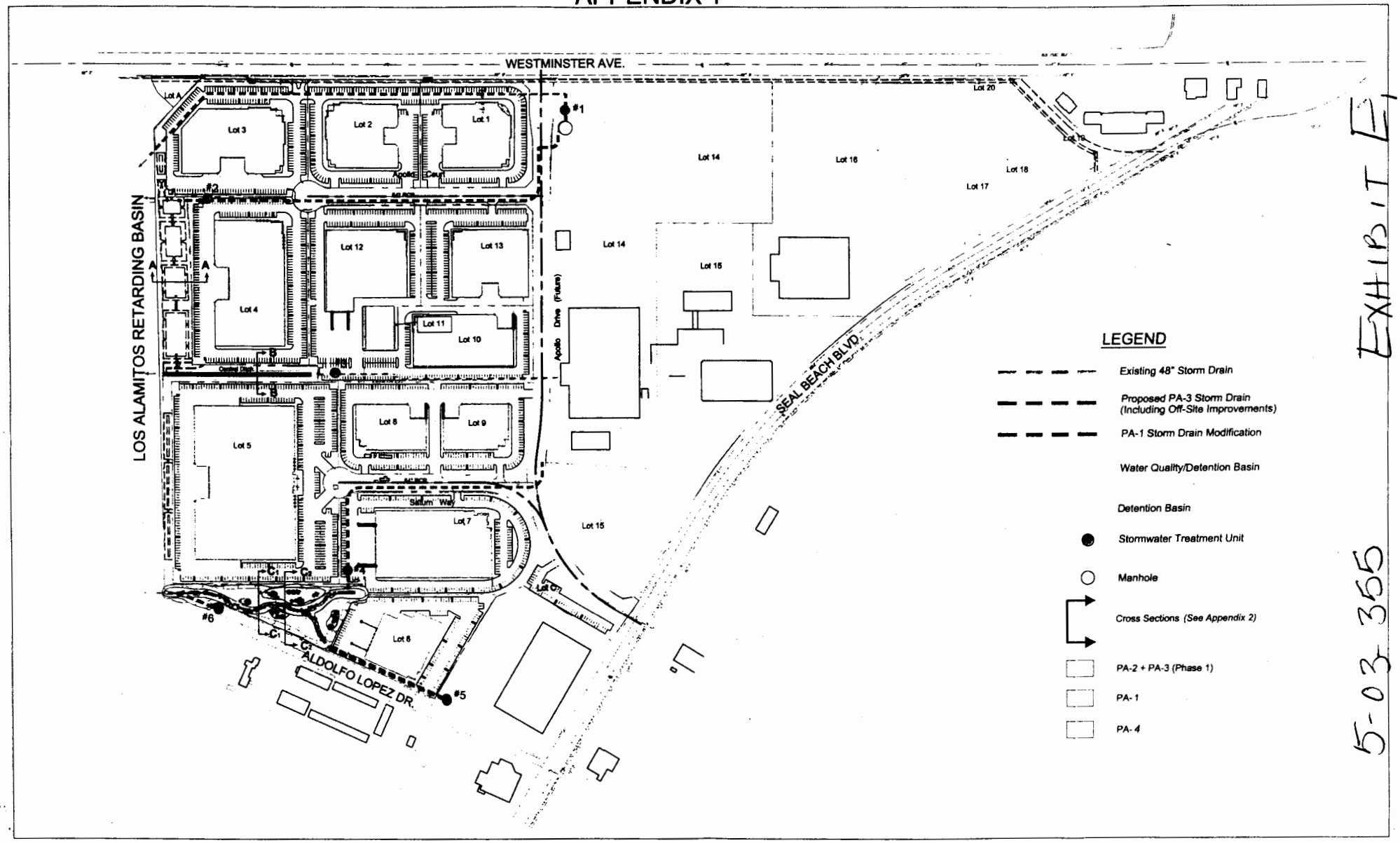


EXHIBIT E

5-03-355

Boeing Seal Beach Project

Water Quality Management Plan and Site Plan

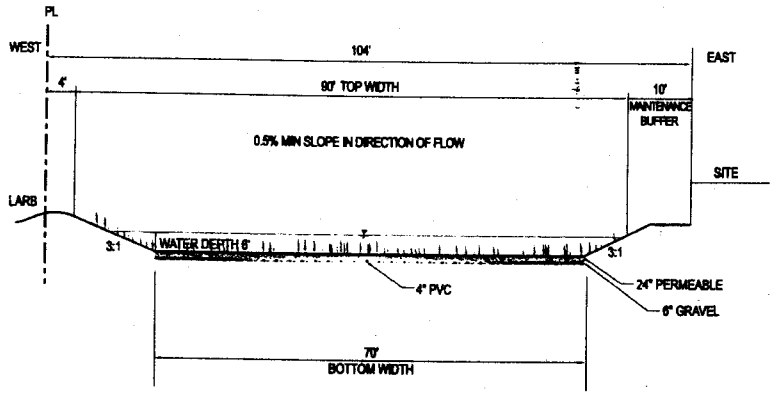
1"=300'

11-04-2003

APPENDIX 2

EXHIBIT E

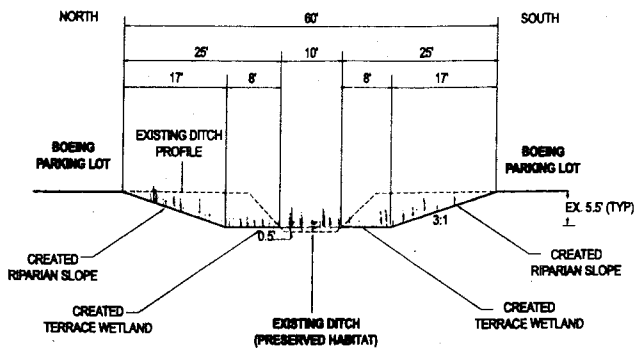
Section A - A



Water Surface Level

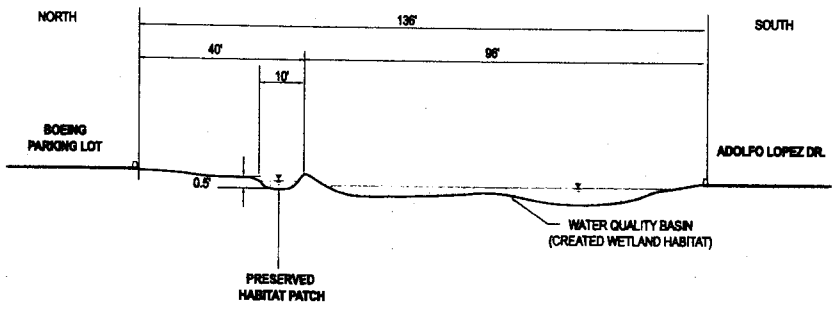
TYPICAL WATER QUALITY BASIN (NORTH-SOUTH)
1"=20'

Section B - B



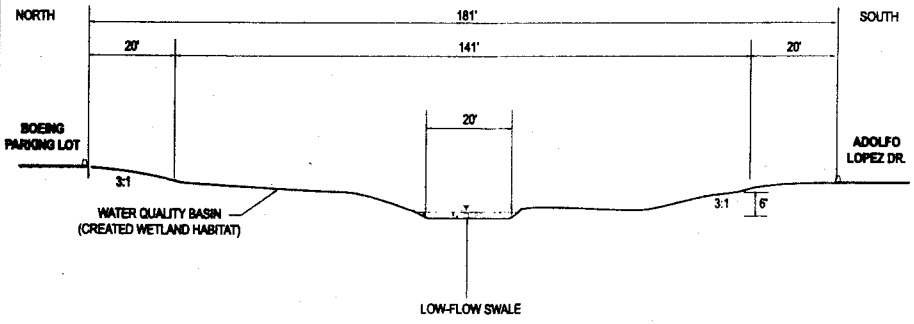
CENTRAL DITCH CROSS-SECTION
1"=20'

Section C_1 - C_1



SOUTH DITCH CROSS-SECTION #1
1"=30'

Section C_2 - C_2



SOUTH DITCH CROSS-SECTION #2
1"=30'

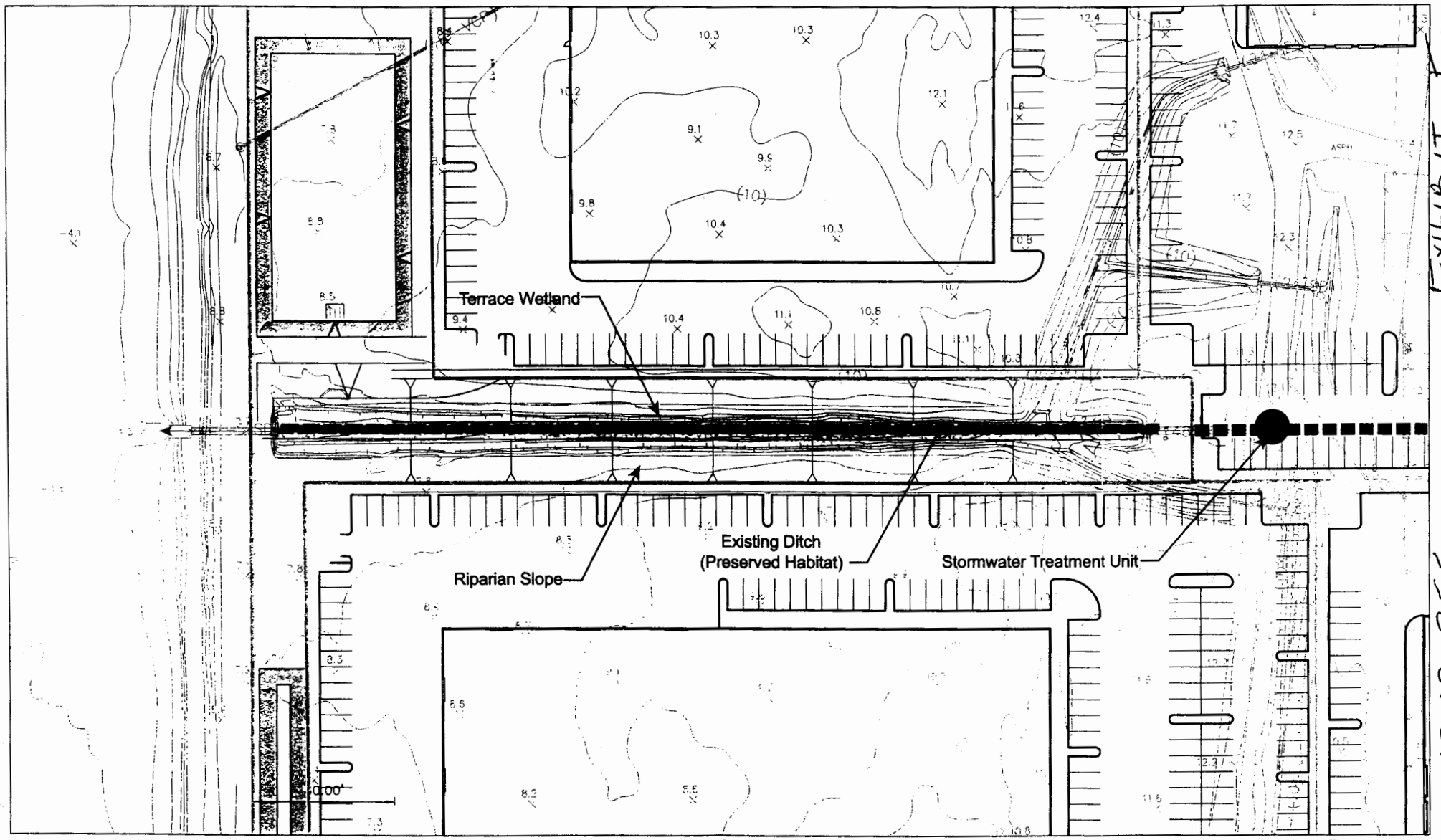
Boeing Seal Beach Project

Typical Cross Sections

5-03-355

11.04.2003

APPENDIX 3



Boeing Seal Beach Project

Central Ditch and Creation Plan

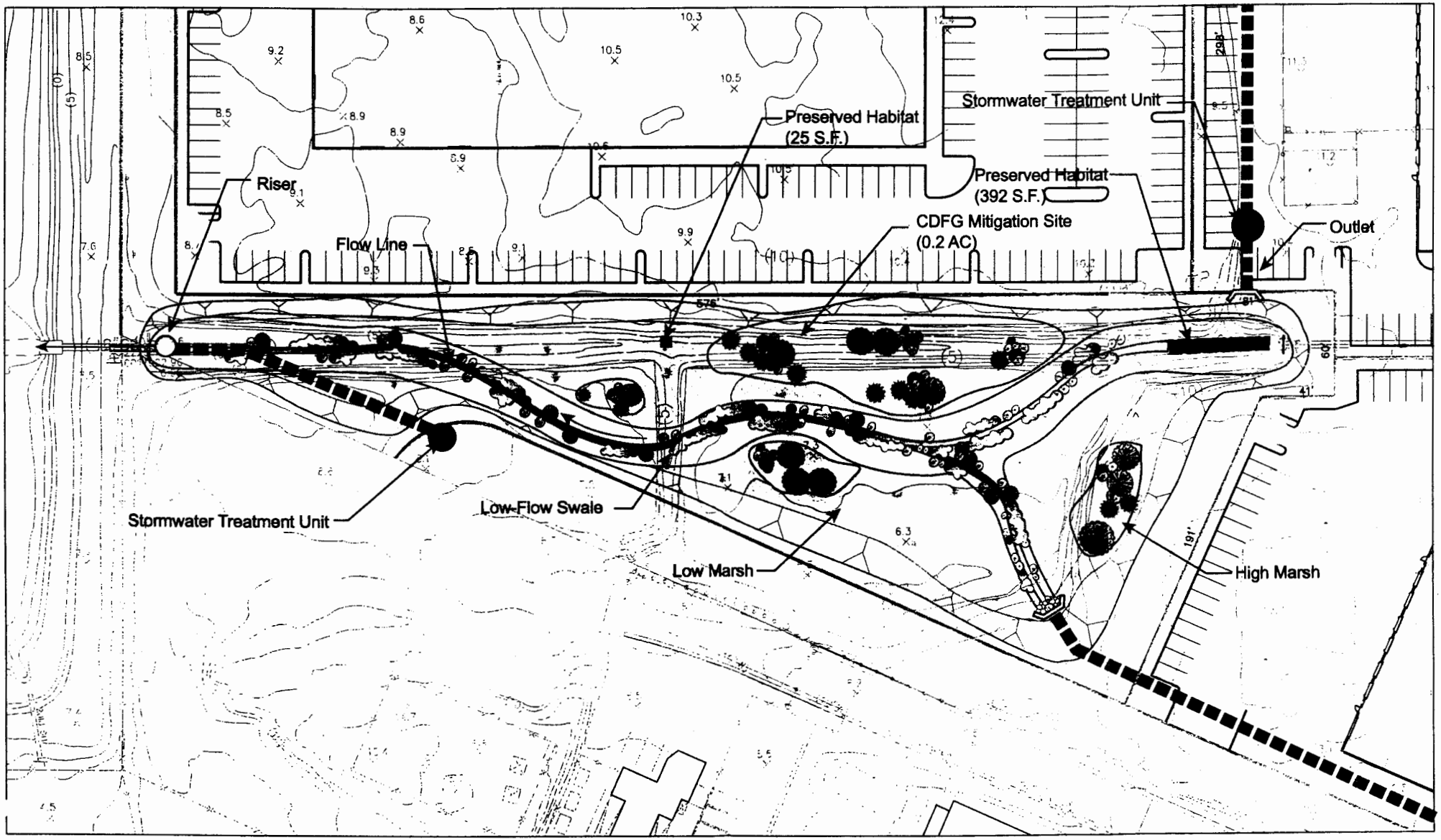
EXHIBIT E

5-03-355

EXHIBIT F2

5-12-255

APPENDIX 4



Boeing Seal Beach Project

South Water Quality Basin and Creation Plan

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

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

MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Meg Vaughn

SUBJECT: Boeing project

DATE: March 8, 2004

Documents reviewed:

Bomkamp, T. and S. Young (Glenn Lukos Assoc.). Letter report to A. DeFrancis (Boeing Realty Corp.) dated November 18, 2003, subject: "Juridictional delineation for Boeing Integrated Defense Systems Pacific Gateway Business Center, City of Seal Beach, Orange County, California.

Glenn Lukos Assoc. "Revised biological technical report, Boeing Integrated Defense Systems Pacific Gateway Business Center, Seal Beach, California. A report prepared for Boeing Realty Corporation dated November 18, 2003 with an Addendum dated January 9, 2004.

Glenn Lukos Assoc. "Conceptual Habitat Creation Plan for the Boeing Integrated Defense Systems Pacific Gateway Business Center, City of Seal Beach, Orange County, California." A report prepared for Boeing Realty Corporation dated November 2003 with an Addendum dated January 9, 2004.

Glenn Lukos Assoc. "Second Addendum to the Revised biological technical report, Boeing Integrated Defense Systems Pacific Gateway Business Center, City of Seal Beach, Orange County, California. A report prepared for Boeing Realty Corporation dated February 25, 2004.

The Boeing site is a flat open field adjacent to Westminster Avenue and between the existing industrial complex and parking lots and the Los Alamitos Retarding Basin. The field is regularly disked. The vegetation that is present in the field is ruderal or comprised of exotic ornamentals. The field is traversed by three drainage ditches, constructed in fill, that convey runoff to the retarding basin. The only biological resources of any likely value are found within the drainage ditches. Like the field, the drainage ditches are subject to periodic clearing, in this case for flood-control purposes.

Wetlands

The wetland delineation conducted by Glenn Lukos Associates was appropriately based on the definitions in the Coastal Act and the Commission's Regulations. Standard methods contained in the Army Corps of Engineers 1987 Wetland Delineation Manual were followed in the field and the intensity of sampling was appropriate based on the type and size of potential wetland areas on the site. I concur with the conclusions of the report that the south drainage ditch has wetland characteristics within the upper 56 feet or so and within a small area below a tributary outfall, that the central drainage ditch has wetland characteristics throughout its length, and that the northern drainage ditch does not contain wetlands. The latter finding requires some discussion because some sections of the northern ditch contain a preponderance of plants that are known to occur in wetlands at various frequencies[1]. However, the dominant vegetation was mostly comprised of species that are designated "FAC"[2] by the U. S. Fish and Wildlife Service. Such species are commonly found growing in both uplands and wetlands and their presence is difficult to interpret in areas like the northern drainage ditch where there is no evidence of wetland hydrology or of hydric soils. The Corps of Engineers makes provision for situations where the character of the vegetation is ambiguous, by allowing the use of the "FAC-neutral" test. Under this test, a site is judged to have a predominance of hydrophytes only if there are more dominant wetland indicator species than dominant upland species when FAC species are ignored. When the FAC species are disregarded, the northern drainage ditch has a predominantly upland vegetative character. The overall vegetative character is typical of many disturbed, damp low-lying areas that are seldom saturated or inundated.

Environmentally Sensitive Habitat Areas (ESHA)

Most of the vegetation in the drainage ditches is non-native, however among the natives there are two special status species: wooly sea-blite (*Suaeda taxifolia*; California Native Plant Society (CNPS) List 4) and southern tarplant (*Centromadia parryi* ssp. *australis*; CNPS List 1b). List 4 species are of limited distribution or infrequent in California but are not sufficiently rare to qualify for listing under the California Endangered Species Act (CESA). However, they may be significant locally, especially if there have been heavy losses in the area or if the population is at the periphery of the species range. Where several List 4 species occur in the same area, I think additional weight should be given to the potential importance of the habitat. List 1b species are sufficiently rare to be eligible for listing under the CESA.

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[1] Reed, P.B. Jr. 1988. National list of plant species that occur in wetlands: California (Region 0). U.S. Fish and Wildlife Service Biological Report 88 (26.10). 135 pages.

[2] "Obligate Wetland (OBL) – > 99% of occurrences in wetlands under natural conditions; Facultative Wetland (FACW) – 67-99% of occurrences in wetlands; Facultative (FAC) – 34-66% of occurrences in wetlands; Facultative Upland – 1-33% of occurrences in wetlands; Obligate Upland (UPL) - > 99% of occurrences in uplands under natural conditions within the region, but occurs in wetlands elsewhere.

The wooly sea-blite is a shrub whose population at the Boeing site is comprised of 12 individuals located in the central and northern drainage ditches. This species does not appear to be rare[3] or of such local significance as to be especially valuable due to its special nature or role in the ecosystem, and hence the area supporting this species does not constitute ESHA under the Coastal Act.

Southern tarplant is an annual plant whose population at the Boeing site was comprised of a total of 385 individuals (composite of 2001 and 2002 surveys). The southern tarplant favors damp disturbed areas and is characteristically found in seasonally moist alkali grassland[4] near the coast or on other saline or alkaline soils that are subject to irregular shallow flooding[5]. Due to loss of its native habitat, it has become rare in California and its remaining habitat may qualify as ESHA. For example, the Orange County Chapter of the CNPS recommended that specialized habitats at Bolsa Chica that supported southern tarplant be designated ESHA[6], and the Commission agreed.[7] However, at the Boeing site, the tarplant is not growing in one of the specialized natural habitats that has historically supported it, but rather it is growing among sparse exotic vegetation within a drainage ditch that was excavated from compacted fill materials. Tarplant was able to colonize the ditch because the fill is probably saline, the ditch has a great deal of bare space, and it is ephemerally flooded following rain events, factors that approximate the necessary characteristics of the plant's native habitat. However, the ditch containing the tarplant does not form part of a natural ecosystem, the area of the ditch is very small, it is closely surrounded by urban development, and it is separated from the nearest semi-natural tarplant habitat (Hellman Ranch) by the disced field and the retarding basin. Although southern tarplant and its native habitat are rare in coastal southern California, the artificial habitat in which a small population is growing

---

[3] In a discussion of rarity in the CCC comments on the Draft EIR, staff noted that a species that is locally abundant but globally rare might be considered rare in the context of ESHA under the Coastal Act. This was interpreted in the Final EIR and the Revised Biological Technical Report as meaning "worldwide," which would make most California species potentially eligible for ESHA status. As was pointed out in staff's January 2, 2004 request for additional information and acknowledged in the Addendum to the Revised Biological Technical Report, staff was using "globally" in the sense of "applying to the whole," in the present context to the whole of the species range. An analogous usage is a "global" search of a database.

[4] Hickman, J.C. ed. 1993. The Jepson Manual. Higher plants of California. University of California Press, Los Angeles.

[5] Roberts, F. M. Jr. 2000. Southern tarplant (*Hemizonia parryi* ssp. *australis*) on the Bolsa Chica Mesa, Orange County, California. A report prepared for the Bolsa Chica Land Trust.

[6] Hamilton, R.A. Letter to S. Rynas (CCC) dated November 22, 1999, subject: "*Hemizonia parryi* ssp. *australis* at Bolsa Chica."

[7] The Final EIR for the Boeing Specific Plan Project and the Revised Biological Technical Report assert that "...the Commission did not designate the tarplant as ESHA and permitted impacts to this species with mitigation." Although the Commission's November 2000 findings contained some ambiguous language, the intent to designate southern tarplant habitat as ESHA is clear in the following passage (p.27), "The mesa contains significant ESHA areas such as the Eucalyptus grove...and the Southern Tarplant. These ESHAs are concentrated on the lower bench of the mesa." The Commission's November 2000 action would have allowed the tarplant on the upper bench to be impacted through the conflict resolution process in the Coastal Act, not because the Commission determined it was not ESHA. In any event, the Local Coastal Program Amendment upon which the Commission was acting was never certified by the local authority and the Commission's action has no legal force nor provides any legal precedent.

G3

at the Boeing site is neither rare nor especially valuable, and I recommend that the north drainage ditch not be considered ESHA under the Coastal Act.[8]

Conceptual Habitat Creation Plan

The habitat creation plan appears to be a feasible plan that will contribute significantly to the biological resources at the site. The final monitoring plan should incorporate success criteria that have requirements for both percent vegetative cover and plant species diversity. If final monitoring for success is based on a sampling program, then the design should incorporate spatially stratified random sampling and include replication requirements that will insure that usefully narrow confidence intervals will be obtained. An alternative approach for small areas such as in this restoration is to attempt a census of the area rather than conduct a sampling program. Final monitoring for success should take place after at least three years without remediation or maintenance other than weeding.

[8] This analysis is based primarily on the physical characteristics and landscape position of the habitat at Boeing, and only secondarily on the relatively small size of the tarplant population. Most of the known extant tarplant populations have between 400 and 1000 individuals (Roberts, op.cit.). A population of 385 individuals located in a natural setting with the potential for the presence of a much larger seed bank might well meet the definition of ESHA.

State of California - The Resources Agency ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

April 19, 2004

Stephane Wendel
Boeing Realty Corporation
15480 Laguna Canyon Road, Ste 220
Irvine, CA 92618

Subject: Boeing Integrated Defense Systems Pacific Gateway Business Center Project
(Notification No. 1600-2003-5189-R5)

Dear Mr. Wendel;

The Department of Fish and Game received the notification package for the subject project on November 21, 2003. Due to staff work load we have been unable to draft conditions of work for the project. Therefore, pursuant to Section 1602(a)(4)(D) of the California Fish and Game Code, your project may proceed with out obtaining an "Agreement Regarding Proposed Stream or Lake Alteration," only if the entity conducts the project as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources.

If the entity's project changes from that stated in the notification specified above, the authority to conduct the project is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the measures, to conduct the project as described in the notification, and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this letter authorizes the entity to trespass on any land or property, nor does it relieve the entity of responsibility for compliance with applicable federal, state, or local laws or ordinances. This letter does not constitute the Department of Fish and Game endorsement of the proposed project, or assure the Department of Fish and Game's concurrence with permits required from other agencies.

Sincerely,

Donald R. Chadwick
Habitat Conservation Supervisor

COASTAL COMMISSION
5-03-355
EXHIBIT # H
PAGE 1 OF 1

California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
Secretary for Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
(909) 782-4130 • Fax (909) 781-6288
http://www.swrcb.ca.gov/rwqcb8

Arnold Schwarzenegger
Governor

April 30, 2004

Sara Young
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

ADOPTION OF ORDER NO. R8-2004-0049, WASTE DISCHARGE REQUIREMENTS FOR BOEING REALTY CORPORATION, BOEING INTEGRATED DEFENSE SYSTEMS PACIFIC GATEWAY BUSINESS CENTER

Dear Ms. Young:

This letter is to confirm that, at the regularly held meeting of the Santa Ana Regional Water Quality Control Board (Regional Board) on April 30, 2004, the Regional Board adopted Order No. R8-2004-0049 as presented by Regional Board staff.

If you have any questions, please do not hesitate to contact me at (909) 782-3234.

Sincerely,

Mark G. Adelson

Mark G. Adelson
Senior Environmental Scientist
Chief, Regional Basin Planning

APF:dredge-fill WDRs /Boeing IDS/staff adoption~

COASTAL COMMISSION
5-03-355
EXHIBIT # I
PAGE 1 OF 1

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0067
(916) 319-2067
FAX (916) 319-2167

DISTRICT OFFICE
17011 BEACH BLVD., SUITE 570
HUNTINGTON BEACH, CA 92647
(714) 843-4966
FAX (714) 843-6375

Assembly
California Legislature

TOM HARMAN
ASSEMBLYMEMBER, SIXTY-SEVENTH DISTRICT

COMMITTEES
JUDICIARY, VICE-CHAIR
BUDGET
BUDGET SUBCOMMITTEE #3
GOVERNMENTAL ORGANIZATION
NATURAL RESOURCES
REVENUE AND TAXATION
VETERANS AFFAIRS

Karl
Meg/file

May 26, 2004

Mr. Mike Reilly, Chairman
CALIFORNIA COASTAL COMMISSION
45 Fremont Street • Suite 2000
San Francisco, CA 94105-2219

Application No.: Coastal Development Permit 5-03-355

Re: Boeing/Pacific Gateway Business Center
Seal Beach, Orange County, California

Dear Chairman Reilly:

As the State Assembly representative of the 67th Assembly District, I would like to extend my strong support of the above referenced project proposed by the Boeing Realty Corporation.

As you are aware the project is adjacent to, and incorporates the existing Boeing campus—Boeing Integrated Defense Systems (IDS) into the plan. Boeing Homeland Security and Services is based at the Boeing IDS campus in Seal Beach, which employees about 2,500 people. The Pacific Gateway Business Center project is a master-planned industrial park that respects Boeing's existing security, confidentiality and on-going operations at the site. As the largest manufacturing employer in the State of California, this master-plan approach creates opportunities for Boeing to use their facilities and land in the most efficient manner possible.

This project received unanimous approvals by the City of Seal Beach City Council in August 2003. The project provides numerous traffic benefits to the public including new and upgraded medians and a new traffic synchronization program that will allow traffic to flow more uninterrupted along the adjacent arterials that lead to local beaches, about two miles from the site.

In addition, as you might expect, water quality issues are very important to me as well as to the entire 67th Assembly District. The water quality program proposed for the site includes water quality and retention basins, bio-filters and other mechanical devices that have been combined to meet and exceed all Regional Water Quality Control Board standards, and as I understand it, Coastal Commission policy, regarding this matter.

In January, 2,900 manufacturing jobs were lost in California. This project will create between 1,500-2,000 new jobs in an infill environment, close to freeways and on existing industrial-zoned property. The project will also have a positive effect in expanding the economic base of the City of Seal Beach that needs revenues especially in light of state cutbacks.

For these reasons, I urge you to approve the project as proposed by Boeing at your July meeting and would welcome an opportunity to discuss the merits of this project with you personally.

Sincerely,

Tom Harman

Tom Harman
Assemblyman
67th Assembly District

Copies: California Coastal Commissioners
Peter Douglas, Executive Director
Deputy Director Deborah Lee
Mayor John Larson, City of Seal Beach

5-03-355

EXHIBIT J2

LINSCOTT LAW & GREENSPAN
ENGINEERS

Philip M. Linscott, P.E. 1924-2000
Jack M. Greenspan, P.E.
William A. Law, P.E. (Ret.)
Paul W. Wilkinson, P.E.
John P. Keating, P.E.
David S. Shender, P.E.
John A. Boarman, P.E.
Clare M. Look-Jaeger, P.E.
Richard E. Barretto, P.E.

ENGINEERS & PLANNERS ▪ TRAFFIC, TRANSPORTATION, PARKING

1580 Corporate Drive, Suite 122 ▪ Costa Mesa, California 92626
Phone: 714-641-1587 ▪ Fax: 714-641-0139

MEMORANDUM

Date: June 1, 2004

To: Clay Corwin, StoneCreek Company

From: Richard E. Barretto, P.E., Principal

Re: **Parking Assessment– Pacific Gateway Business Center/Boeing Project**
Seal Beach, Orange County
Coastal Development Permit 5-03-355

Per your request, Linscott, Law & Greenspan, Engineers (LLG) has analyzed the parking requirements for the above referenced project. Additionally, for comparison purposes, LLG conducted a parking survey of another Boeing project in Huntington Beach, California (McDonnell Center) to determine the existing parking demands at that campus. The findings of our analysis are provided below.

McDonnell Center – Huntington Beach

McDonnell Center is an existing light industrial park located approximately 5 miles east of the project site in the City of Huntington Beach. A parking survey was recently completed to determine actual demand for parking at that site. Based on our field observations, there is a peak demand of 1,095 spaces, with a total parking supply of 1,959 spaces. With a total building floor area of 1,790,000 square feet, this translates into a parking ratio of 1 space utilized per 1,635 square feet at peak demand.

City of Seal Beach Code

LLG has also analyzed the project in accordance with City of Seal Beach parking requirements and compared that standard to those identified in the *Parking Generation* (2nd Edition) manual, published by Institute of Transportation Engineers (ITE). The following table summarizes the results of this analysis.

Land Use	Size (in square feet – SF)	City of Seal Beach Zoning Code		ITE Parking Generation, 2nd Edition	
		Parking Ratio	Spaces	Parking Ratio	Spaces
Industrial Uses	775,000 SF	1 Space per 800 SF	967	--	--
Office Uses	138,000 SF	1 Space per 300 SF	460	--	--
Industrial Park	913,000 SF	--	--	1 Space per 613 SF[1]	1,490
Total Parking Requirement			***1,437***	--	***1,490***
Total Parking Supply			***1,974***	--	***1,974***
Parking Surplus/Deficiency (+/-)			***+537***	--	***+486***

As shown above, the project exceeds the parking requirements of both the City's Zoning Code and the spaces that would be required in accordance with the ITE *Parking Generation* manual. The parking requirements of the City of Seal Beach translate into a "blended" parking ratio of 1 space per 636 square feet. Our consultation with the architect and planner for this project indicated that additional parking was included as a contingency to insure the range of land uses allowed for the industrial zoning could be accommodated.

LLG also reviewed the Coastal Commission Guidelines for parking. The Guidelines are not directly applicable because the project land uses are not all warehouse and distribution (1 space per 1,000 square feet) nor would it qualify to be parked at 1 space per 350 square feet as a blended rate for office, research and development and industrial uses. If the Guidelines were applicable, the project would either be severely over parked or under parked.

In our judgment, the City's Zoning Code, which specifically outlines the requirements for office and industrial uses, is the most useful standard, with the ITE *Parking Generation* manual simply verifying that the City's Code requirements are reasonable and applicable.

Based on our experience as traffic engineers and parking consultants, the Seal Beach Boeing project is parked at above minimum requirements, meets the standards that are applicable to this site and will provide more than adequate parking supply for the possible variety of uses.

Please contact me should you have any questions or require further information.

[1] Source: Institute of Transportation Engineers *Parking Generation*, 2nd Edition, parking generation equation for an Industrial Park: Ln(P) = 1.38Ln(X) –2.10

EXHIBIT K2