

CALIFORNIA COASTAL COMMISSION

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



W8.5a

July 5, 2007

ADDENDUM

To: Commissioners & Interested Persons

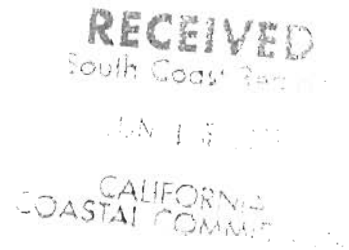
From: South Coast District Staff

Re: Commission Meeting of Wednesday, July 11, 2007, Item W8.5a, Huntington Beach LCP Amendment 1-06 (Parkside), Huntington Beach, Orange County.

- I. Letter from Arthur L. Donahur regarding unpermitted fills, dated June 11, 1007
- II. Letter from Bolsa Chica Land Trust regarding unpermitted fills, dated June 25, 2007
- III. Letter from Neighbors for Wintersburg Wetlands Restoration regarding response to Shea Homes Letter of June 20, 2007
- IV. Letter from City of Huntington Beach requesting withdrawal of application, dated July 3, 2007
- V. E-mail from Julie Bixby responding to e-mail from Lauren Pearce, dated July 3, 2007
- VI. Ex-parte Communication Forms Received Since Publication of the Staff Recommendation
- VII. Letters Objecting to Hearing located in San Luis Obispo
- VIII. Letters Supporting the LCP Amendment, as submitted
- IX. Letters Opposed to LCP Amendment, as submitted
- X. Exhibit LLL, Memorandum by Dr. John Dixon, Staff Ecologist, dated July 2, 2007
- XI. Exhibit MMM, Memorandum by Jonathan Van Coops, Mapping/GIS Program Manager, dated July 2, 2007

June 11, 2007

TO: California Coastal Commission
From: Arthur L. Donahur



RE: Shea development

I have read City Staffer Duane Wentworth's memo of May 2, 2007 related to the above project. The contents of his memo are not what I remember of the red- tagged unpermitted fills at the property in 1989.

I sent a letter to the City of Huntington Beach dated July 24, 1989. It is included in your staff report. At that time, I was very concerned about the dump trucks that were dropping fill dirt on the property.

According to the City memo, the fill that was red-tagged was only 2 ft. high. My recollection is that big dump trucks were continually dumping loads of fill. Then Mr. Burkett, the owner of Smoky's Stables would use a tractor to drop manure on the fill area and smooth it out for more dump trucks. This went on for a long time. My neighbor and I went over to talk to Mr. Burkett, but we were told to leave the property.

The fill was much larger than 20' by 50' and only 2 feet high as described in the memo of May 2007.

The fill was never removed.

I visited the site with Flossie Horgan and have included two photos taken in June, 2007.

1 One of the photos is of me standing in the trough that separates fill on my right from the Wintersburg Channel on my left. It is still a large fill, but lower than it was in the 1989.

2 The second photo is taken from the bridge that connects the southern portion of the Wintersburg Channel to the northern Wintersburg. The fill is located to the northeast of the bridge, not the south west as has been reported.

Arthur L. Donaher





JULY 24, 1989

SIRS;

I AM AGAINST ANY NEW PERMITS ALLOWED AT SMOKEY'S STABLES. (RE: DRAFT NEGATIVE DECLARATION N^o 89-10)

BESIDES THE USUAL NOISE, FLIES, SMELL AND DUST THAT WILL BE CREATED FOR US; THE SECTION OF LAND THIS PERMIT WILL ALLOW EXPANSION ON, IS TO BE ON ILLEGAL DUMPED AND GRADED DIRT. THIS HUNDREDS OF YARDS OF DIRT RAISES THE HEIGHT TO ALMOST THE SAME AS THE WINTERSBURG CHANNEL DIKES, MAKING THE STABLES NO LONGER HIDDEN BUT LOOKING DOWN INTO OUR YARDS INSTEAD. THIS WILL CAUSE EXTRA NOISE, SMELL AND DUST.

I AM LISTING WHAT I THINK ARE VIOLATIONS OF THE EXISTING C.U.P. N^o 89-2 / VARIANCE N^o 89-32; AND SHOULD BE CORRECTED BEFORE ANY ADDITIONAL C.U.P. IS CONSIDERED.

- ① TOO MANY HORSES AND DONKEYS.
- ② TOO MANY STABLES AND STRUCTURES.

II

- ③ PIGEONS AND PIGEON COOPS.
- ④ HUNDREDS OF YARDS OF ILLEGALLY DUMPED AND GRADED DIRT.
- ⑤ MANURE DUMPED AND SPREAD ON DIRT AND ADJACENT LAND.
- ⑥ DID NOT HAVE ~~DIRT~~ MANURE REMOVED TWICE A WEEK.
- ⑦ MOBILE HOME WITH NO PAD OR HOOK.
- ⑧ NOISEY PARTYS. (POLICE CALLED)
- ⑨ HORSES RIDDEN IN BOLSA CHICA STATE BIRD & WILDLIFE RESERVE.
- ⑩ HORSES RIDDEN ON WINTERSBURG FLOOD CONTROL DIKE.

HERE IS A LIST OF QUESTIONS THAT SHOULD BE ANSWERED ALSO.

- ① IS THERE A BOND POSTED TO ENSURE REMOVAL OF ILLEGALLY DUMPED DIRT?
- ② WHO PROFITTED AND IS RESPONSIBLE FOR THIS DUMPING?
- ③ IS THE DIRT TOXIC?
- ④ HAS THERE BEEN SUFFICIENT INSURANCE COVERAGE DURING THE YEARS OF THIS?
- ⑤ WHY ISN'T A FENCE REQUIRED AROUND THIS FACILITY?

III

- (6) ARE THERE SUFFICIENT FIRE HYDRANTS?
- (7) IS THERE A PAVED FIRE LANE?
- (8) WHAT IS THE AMOUNT OF AREA REQUIRED PER HORSE? (FOR RIDING)
- (9) ARE THERE PEOPLE LIVING IN THE MOBILE HOME THAT HAS NO HOOK-UPS?
- (10) DOES THIS PERMIT HAVE THE SAME REQUIREMENTS THAT THE PERMIT FOR THE CENTRAL PARK HORSE STABLES HAS?

I EXPECT THERE ARE THINGS I HAVE OVER-LOOKED, BUT THIS GIVES YOU AN IDEA WHY WE ARE AGAINST THIS NEW EXPANSION.

Thank You,
Mr & Mrs A. L. Donaher
5321 GLENSTONE DR.
HUNT. BCH, CA. 92649

RECEIVED

JUL 26 1989

DEPARTMENT OF
COMMUNITY DEVELOPMENT
PLANNING DIVISION

TEL: (714) 840-7385



June 25, 2007

Mr. Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate- 10th floor
Long Beach, Calif. 90802

Dear Mr. Kruer and Members of the Commission,

I am writing to you regarding the July, 2007 Coastal Commission hearing scheduled in San Luis Obispo concerning the Shea Parkside project (City of Huntington Beach Major Amendment Request No. 1-06 to the City's certified LCP). I am specifically concerned about the **number of unpermitted fills** which have been performed at the property, as well as the **location of such unpermitted fills**.

The Coastal Commission staff addendum of February 2007 page 7 refers to the unpermitted fill that this letter is addressing. That page references a fill on the subject property that is located within the "City parcel" along the northern levee of the EGGWFCC, between the WP wetland and the line to the west that divides the "City parcel" and the "County parcel".

In a letter dated February 9, 2007, Shea states:

"The bridge at Slater pump station was constructed in the 1960s to carry Slater Avenue over the newly-constructed East Garden Grove-Wintersburg flood control channel, and the fill in question is associated with the construction of the levees and bridge"

Endorsements:

Amigos de Bolsa Chica
Peninsula Open Space Trust
Sierra Club Angeles Chapter
Wildlands Conservancy
Sea and Sage Audubon
Surfrider Foundation
Coastwalk

City of Huntington Beach
Orange Coast League of Women Voters
Friends of Harbors, Beaches and Parks
Santa Monica Mountains Conservancy
Algalita Marine Research Foundation
Tree Society

Orange County Coastkeeper
Huntington Beach Wetlands Conservancy
California Trails and Greenway Foundation
The Nature Conservancy
Ballona Wetlands Land Trust
Anza Borrego Foundation
City of Seal Beach

5200 Warner Ave Suite 108, HUNTINGTON BEACH, CA 92649-4029 - PHONE 714-846-1001
www.bolsachicalandtrust.org

However, the historical record is not consistent with Shea's position. For example, in the City of Huntington Beach August 15, 1989, Staff report to the Planning Commission CUP 89-2/ Conditional Exception (Variance) No 89-32/ Negative Declaration 89-10, the applicant, Smoky's Stables was requesting the following:

“ To permit the expansion of a temporary commercial horse facility with a variance to encroach within the 300ft residential zone or use setback and waive the required perimeter fencing and landscaping requirements.

August 15, 1989, City of Huntington Beach Staff report states:

“Land Use violation” Unpermitted fill dirt (stockpiling)
New dirt (**less than a year old** on the east end of the site) placed on the premises: Red tagged by Public works on 1/20/89, 2/3/89, and 2/28/89 for violations of Section 17.10.010 (a) of the Huntington Beach Municipal Code and Section 7003 of the Uniform Building Code (permits for grading re required). The applicant has indicated it will be removed following the Planning Commission action.”

On page 6 of the 1989 City Staff report, the following is stated:

“The specific location of the stockpiling of dirt is in the southeast area of the site. This is the location of the proposed expansion. The site has been raised approximately **8 feet above** the existing natural grade of the site which would bring the site's elevation to a height of the Wintersburg Channel. The placement of a 12 foot high stall in this area would indicate that the stalls are approximately 8 to 9 feet above the channel. This would impact the residential property to the south...The applicant is **required** as a **condition of approval** for proposed expansion to provide a grading plan and obtain a stockpiling permit from Public Works Dept to eliminate the unpermitted fill and reduce the elevation from the area to the natural **level prior to the illegal stockpiling.**”

The 1989 City Staff report goes on to say that regardless of the proposed expansion being approved that the land use violations (unpermitted fill) must be abated within 90 days of final action.

Within the 1989 City Staff report there is a petition signed by neighbors and several letters from neighbors living south of the proposed expansion. The letters all refer to aspects of the expansion to which they are opposed.

One letter from Mr. Donaher, dated July 1989, states in part:

“The section of land this permit will allow expansion on, is to be on illegal dumped and graded dirt. This hundreds of yards of dirt, raises the height to almost the same as the Wintersburg Channel Dikes, making the stables no longer hidden but looking down into our yards instead.”

The Commission Staff report of 89-10 states:

"...The elevation of the site has gone from -5 to 8 to 10 feet. To allow the fill to be compacted and made a permanent part of the site would be to alter the area's topography. The original topography of the site should be restored by removing the fill. With mitigation, no significant impacts are anticipated."

Therefore, in August of 1989, the City Planning Commission action regarding this application placed a condition of approval that required the removal of the "unpermitted fill from 8-10 ft to 1-2 ft."

Further, on May 2, 2007, Duane Wentworth from the City of Huntington Beach sent a memo to the Coastal Commission. He is the City employee who red tagged the 1989 unpermitted fill. He states in this memo

"on January 20, 1989, January 25, 1989, and February 28, 1989, was a " small stockpile of freshly placed soil that had been leveled into a pad approximately 20'by 50' and **around 2'high**. This would be approximately 75 cubic yards of soil..."

Recently, two neighbors, Mr. Donaher and Mr. Kittredge, who had signed the petition in 1989 visited the site. Both indicated that their current understanding from viewing the site is that the fill was never removed, and indeed parts of it still remain. The unpermitted fill was dumped on the site during 1988 and 1989, not in 1960s as the Shea homes letter of 2007 indicates. Further, the unpermitted fill was not 2 ft high but over 7ft high. See the attached two letters from Mr Donaher and Mr. Kittredge.

It is clear that there is significant confusion regarding the unpermitted fill referred to in the City of Huntington Beach Staff Report dated August 15, 1989 and the current City staff memo of May 2007 as to the location of the fill and the height of the fill. If indeed the current memo from Mr. Wentworth is correct, then there were obviously **two very separate and distinct unpermitted fill issues** in August of 1989. One, the two foot high unpermitted fill, was removed according to the staff memo of 2007. The other unpermitted fill of 8-10 ft referred to in the City Staff report of 1989 and by the current neighbors observations has never been removed. Indeed, the fill that the neighbors refer to is still evident at the Shea property. (see photo of Mr. Donaher at bottom of fill site) This fill material has been used by SHEA to fill in wetlands in on the property. See attached photo dated April 1998.

Since the Coastal Commission in 1981 and 1982 withheld certification of the LCP for this area because of the 40 acres of wetlands present on this site, it seem reasonable to require removal of this unpermitted fill area to the pre-fill level and determine if hydric soils are present.

Thank you for your attention to this letter.

Sincerely,



Flossie Horgan
Bolsa Chica Land Trust

June 11, 2007

TO: California Coastal Commission
From: Arthur L. Donahur

RE: Shea development

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According to the City memo, the fill that was red-tagged was only 2 ft. high. My recollection is that big dump trucks were continually dumping loads of fill. Then Mr. Burkett, the owner of Smoky's Stables would use a tractor to drop manure on the fill area and smooth it out for more dump trucks. This went on for a long time. My neighbor and I went over to talk to Mr. Burkett, but we were told to leave the property.

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The fill was never removed.

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One of the photos is of me standing in the trough that separates fill on my right from the Wintersburg Channel on my left. It is still a large fill, but lower than it was in the 1989.

The second photo is taken from the bridge that connects the southern portion of the Wintersburg Channel to the northern Wintersburg. The fill is located to the northeast of the bridge, not the south west as has been reported.

Arthur X. Doncher

TO: Bolsa Chica Land Trust

FROM: Daniel Kittredge, 5332 Glenstone Drive, Huntington Beach, CA

SUBJECT: Smokey's Stables Illegal stockpiling of dirt

DATE: June 4, 2007

I wrote a letter to the city of Huntington Beach dated 8/1/89 complaining about the many, many dump truck loads of dirt that arrived and was dumped on the Metropolitan Water District land located west of Graham street and south of Warner Ave.

This dumping of dirt went on for quite awhile until a huge pile of dirt was almost to the height of the top of Wintersberg Channel. The owner of Smokeys Stable would then bulldoze the dirt around when it got close to the top of the channel. The dirt had to be a least 7 or 8 feet high or more. The dirt went from just before the bridge to well beyond the the concrete lining across from the pump discharge. It also spread out to the field quite away. I thought, at one point, that Smokey's was going to move his double wide trailer there. The dirt was also used for the two riding circles that the stables built.

I asked one of the truck drivers about where he was bringing the dirt in from and he said it was from a construction project downtown and that it was cheaper to dump it at Smokey's then to take it elsewhere. He said a lot of different projects where dumping dirt there.

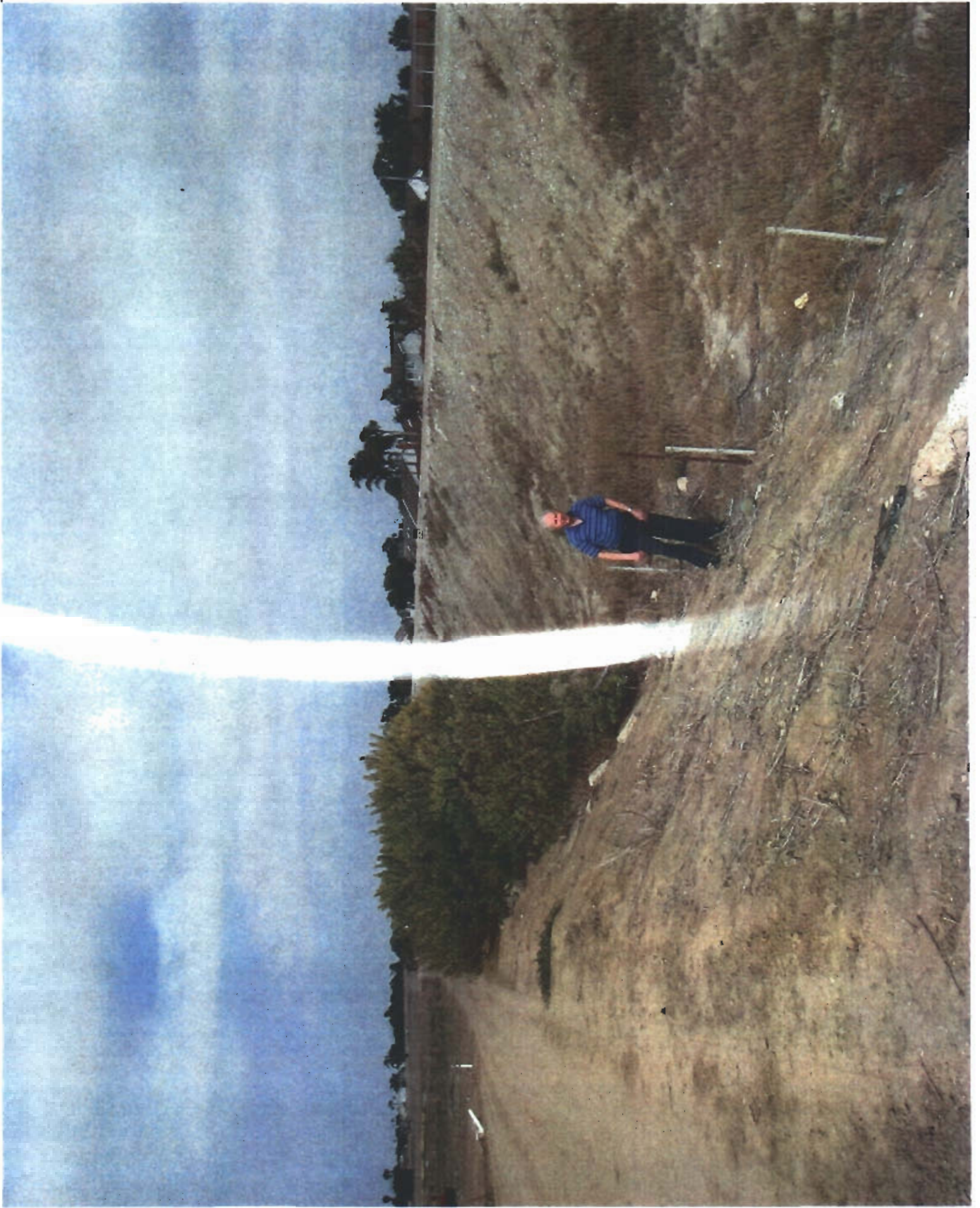
I complained to the city on numerous occasions on the phone and eventually by letter. The dirt dumping still went on. I also called and complained to the city attorney's staff about what was going on and about the "red tag" notice not being followed. At some point the dirt dumping stopped and I remember thinking that it would cost a fortune if Somkey's was made to remove all that dirt.

I conclude by stating that the letter dated 5 2 07 from Duane Wentworth concerning the size and scope of the dirt dumping in no way matches my recollections of how much dirt was dumped there. I jogged on the Garden Grove East Wintersberg channel at least three times a week for many years and saw what was going on there.

I hope this will help clarify and paint an accurate description of how much dirt was illegally dumped on the Metropolitan Water District land.

April 22, 1998





7

TO: Bolsa Chica Land Trust

FROM: Daniel Kittredge, 5332 Glenstone Drive, Huntington Beach, CA

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DATE: June 4, 2007

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I conclude by stating that the letter dated 5/2/07 from Duane Wentworth concerning the size and scope of the dirt dumping in no way matches my recollections of how much dirt was dumped there. I jogged on the Garden Grove East Wintersberg channel at least three times a week for many years and saw what was going on there.

I hope this will help clarify and paint an accurate description of how much dirt was illegally dumped on the Metropolitan Water District land.

OFF

100-30012-100-100

CONDITIONAL USE PERMIT NO. 89-2/CONDITIONAL EXCEPTION
(VARIANCE) NO. 89-32/NEGATIVE DECLARATION NO. 89-10

Smoky & Stables USA Inc.
17200 Alexis Burkett
17200 Bolsa Chica Rd.
Hunting Beach, CA 92649

JUL 25 1989

Metropolitan Water District
 and Donato Goodell 1980s

MANDATORY REPORT
September 26, 1989

to permit the expansion of
temporary commercial
operations within
the 100-mile radius
of the city center and
to meet the needs of
the community.

ZONE: R1-FR2 (Low Density Residential-Floodplain)

CE-1071-101
R16013-101

60 61

AC

154-155

3. The property includes two 18-stall barns, a 1000-gallon water tank, a watchman's trailer and wide-open views of the ocean and horses from the closing ocean view. The property is located in a Conditional Exception (Variance) No. 89-32 18 ft. setback zone. The property is approximately 145 feet into the minimum 300 foot distance requirement to a residential zone or use, and waive



A-FM-230

C-4

1. Condition No. 4 - No structure other than those shown on the approved site plan shall be constructed.

24 horse stalls not shown on the approved site plan were found to be in place north of the arena.

2. Condition No. 11 - The 5-acre facility shall not exceed 25 horses per acre or a maximum of 125 as permitted by Section 9670.3.

128 horses counted on the 12-acre site (300 horses would be allowed based upon City standards).

3. Condition No. 12 - Solid waste shall be removed from the site a minimum of twice weekly by an approved commercial collection company.

The stable owner stated that horse manure was being picked up every 2 to 3 days with no set schedule.

4. Land Use Violations

a. Unpermitted fill dirt (stockpiling)

New dirt (less than one year old on the east end of the site) placed on the premises; Red tagged by Public Works on 1/20/89, 2/3/89, and on 2/28/89 for violations of Section 17.10.010(a) of the Huntington Beach Municipal Code and Section 7003 of the Uniform Building Code (permits for grading are required). The applicant has indicated it will be removed following Planning Commission action. Located on the south side of the site with approximately 75 to 100 pigeons within City limits; maximum 10 fowl permitted.

The initial inspection indicates compliance with Conditional Use Permit No. 286-60, with the exception of the additional 24 horse stalls being placed on the site. As noted earlier, the additional 24 stalls along with the proposed 36 stalls is in compliance with the allowable density of 125 horses on the 5 acre site.

The specific location of the stockpiling of dirt is in the southeast area of the site. This is the location of the proposed expansion. The site has been raised approximately 8 feet above the existing natural grade of the site which would bring the site's elevation to the height of the Wintersburg Channel embankment. The placement of a 12 foot high stall in this area would indicate that the stalls are approximately 8 to 10 feet above the channel. This would impact the residential property to the south. The applicant is required as a condition of approval for the proposed expansion to provide a grading plan and obtain a stockpiling permit from the Public Works Department to eliminate the unpermitted fill and reduce the

elevation from the area to the natural level prior to the illegal stockpiling. This, in addition to the stalls being setback a minimum of 300' will reduce the visual and noise impact of the stalls upon the residential property to the south.

Another violation noted by the Land Use Division is the housing of racing pigeons on site. The inspection noted approximately 75 to 100 pigeons. The Municipal Code allows approximately 10. The applicant will be required to reduce the number of pigeons on-site to comply with Code.

In an effort to address the concerns of the residential properties to the southeast, the Planning Division, Land Use Division and the County of Orange (see attachment #8) are working together to abate the land use violations and bring the site into conformance with all approved and proposed plans. The applicant will be required to abate the land use violations regardless if the proposed expansion is approved or denied within 90 days of final action.

10.0 RECOMMENDATION:

Staff recommends that the Planning Commission approve Negative Declaration No. 89-10 and Conditional Use Permit No. 89-2 as well as Conditional Exception (Variance) No. 89-32 for waiver of landscaping and fencing and reduced setback for watchman's trailer only with the following findings and conditions of approval:

RECOMMENDATION FOR APPROVAL - CONDITIONAL USE PERMIT NO. 89-2:

The use of the property will not create a detrimental effect upon the public health, welfare, and safety of persons residing or working in the neighborhood insofar as the use is compatible with the surrounding uses and in conformance with the existing zoning. The use is compatible with existing uses in the surrounding area and will not detract from the rural environment of the area. The site plan and design of the existing facilities are harmonious with adjacent structures and uses in that they conform with the existing facilities.

The arrangement of access, and parking for the use has not created an undue traffic problem.

RECOMMENDATION FOR APPROVAL - CONDITIONAL EXCEPTION (VARIANCE) NO. 89-32:


1. The granting of Conditional Exception (Variance) No. 89-32 for landscaping, fencing, and the placement of the watchman's trailer within the minimum 300' setback requirement will not be materially detrimental to the public health, safety and welfare or injurious to the surrounding uses in the neighborhood since exceptional circumstances apply to the land which preclude detrimental effects.

- a. Prior to the issuance of grading permits, the Orange County Vector Control District shall be notified to inspect the premises to reduce the potential for rodent dispersal.
 - b. The applicant will be required to file a Report of Waste Discharge with this Regional Board for issuance of an animal confinement facility permit.
 - c. If dewatering is found to be necessary during construction activities, either a national Pollutant Discharge Elimination System (NPDES) permit for discharge to surface waters or a Waste Discharge Requirements (WDR) permit for discharge to land will be required from this office.
 - d. The caretaker's unit shall be provided with an adequate sewer system per Public Works Department standards.
6. Prior to issuance of building permits, the applicant/owner shall complete the following:
- a. Submit copy of the revised site plan and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file.
 - b. The applicant shall remove fill on the proposed site down to a level which is comparable to the adjacent site and which allows for adequate drainage (from approximately 9 feet down to 1 to 2 feet). The proposed structures should reach an elevation similar to or less than the existing structures on the adjacent site.
 - c. The applicant shall submit a hydraulic study and drainage plan to the Department of Public Works for review and approval.
 - d. The elevations of the structures will be reviewed by the Community Development Department. Measures such as landscaping, outside treatments, fencing etc. shall be provided as buffers from adjacent viewpoints. Where possible, roofs shall be sloped away from corrals or stables to prevent flooding and disease such as hoof rot and thrush.
 - e. Submit landscape plan for review and approval. Perimeter trees and shrubs shall be shown on the site plan for dust control. Plants that are attractive to rodents, such as Algerian ivy, oleander, palm, trees, yuccas, etc. shall be avoided.
 - f. The applicant shall submit a log containing the name of every horse, the owners name and address and location of every horse on site to the Community Development Department for inclusion in the file and thereafter on an annual basis.



CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: Terri Elliott, Principal Civil Engineer

FROM:  Duane Wentworth, Contract Administrator

SUBJECT: Smokey's Stables Red Tags

DATE: May 2, 2007

At your request, I have reviewed my personal diary from 1989 for references concerning Stop Work Notices or "Red Tags" that I wrote to Smokey's Stables. My position with the City at that time was as a Senior Construction Inspector.

Smokey's Stables was located on the west side of a property owned by the Metropolitan Water District that was located west of Graham Street and south of Warner Avenue. This property is now owned by Shea Homes and is commonly referred to as the Parkside site.

On Friday January 20, 1989 I was sent to this site to investigate illegal dumping or grading most likely due to a citizen complaint. I found a small stockpile of freshly placed soil that had been leveled into a pad approximately 20' by 50' and around 2' high. This would be approximately 75 cubic yards of soil and would exceed the 50 cubic yard maximum allowed by the UBC without a permit. I posted two red tags on wooden stakes at the site and handed a third to the owner of Smokey's. He informed me that he was building up the site to place more stables at that location. I verbally explained to him that the dirt was an illegal stockpile and that he would have to obtain a grading permit before he could continue. He agreed to comply.

On Wednesday January 25, 1989 at the request of City Engineer Les Evens, I returned to investigate another complaint of illegal dumping. I found no change in conditions or any evidence of additional dumping since my last visit. I hand delivered to someone in the office trailer, a letter from Principal Engineer Bill Patapoff that explained the requirements necessary to obtain a grading permit.

On Tuesday February 28, 1989 I received another complaint of illegal dumping at Smokey's. I returned to the site but did not observe any dumping or any change in conditions from my previous visits. I did speak with the owner again and reminded him not to move any more dirt without a permit. I also left him another red tag as a reminder.

I found no other diary entries related to Smokey's Stables and it is my recollection that they ceased operations at that site a short time later. I visited the site with Planning Commissioner Flossie Horgan in April of 2007 and verified the stockpile no longer exists.

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

July 2, 2007

W8.5a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Response to Shea Homes letter of June 20, 2007 criticizing project opponent claims

Dear Ms. Vaughn and Coastal Commissioners,

I would like to set the record straight regarding certain errors and omissions in the Shea Homes letter of June 20, 2007 criticizing project opponent claims (HNB-MAJ-1-06 Exhibit HHH).

This document may be viewed in its original color format at:

<http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070702-shea-070620-response.pdf>

Smoky's Drainage Ditch or Fill?

Page 7 of the Shea letter shows an aerial photo apparently taken on February 19, 1983 and annotated with a blue arrow point to a drainage ditch. The letter asserts that we opponents mischaracterized this drainage ditch as fill. This is a false assertion on Shea's part. I am the person who performs nearly all of the opponent aerial photo analysis, and I have never characterized that particular ditch as fill.

Attachment 1 below is an aerial photograph from March 15, 1981. The ditch in question is not yet visible.

Attachment 2 below is a higher quality aerial photograph from February 19, 1983. The ditch is plainly visible, but so are three large areas of fill piles that the Shea letter depicts but neglects to mention.

Attachment 3 below is the previous February 19, 1983 aerial photograph, but with the addition of red polygons to denote the areas that I classified a new fill imported after the March 15, 1981 photograph.

The ditch has become noticeably less prominent by May 28, 1984 (Attachment 4), and has completely disappeared by May 8, 1986 (Attachment 5), likely through the importation of more fill. So while I have never classified the ditch as fill when it first appeared, it can be used to track the importation of more fill in subsequent years.

Beginning around November 12, 1986 (Attachment 6), fresh heavy equipment tracks are seen as large amounts of fill begin to be imported north of the channel bridge, culminating in the 8ft of red-tagged fill visible north of the bridge on January 30, 1989 (Attachment 7).

Dixon Draft Wetland Memo and the Subsequent Filling of WP

Page 11 of the Shea letter asserts that the date of Dr. Dixon's draft wetland memo is January 12, 2006, but the cover page of the Dixon draft memo obtained by BCLT (Attachment 8) shows the date as December 16, 2005, which is about a week prior to WP being filled by the box plow, just as I asserted in my previous letter of April 30, 2007.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachments:

7 aerial photos
Dixon draft memo cover page

Attachment 1 – March 15, 1981



Attachment 2 – February 19, 1983



Attachment 3 – February 19, 1983 with fill piles indicated



Attachment 4 – May 28, 1984



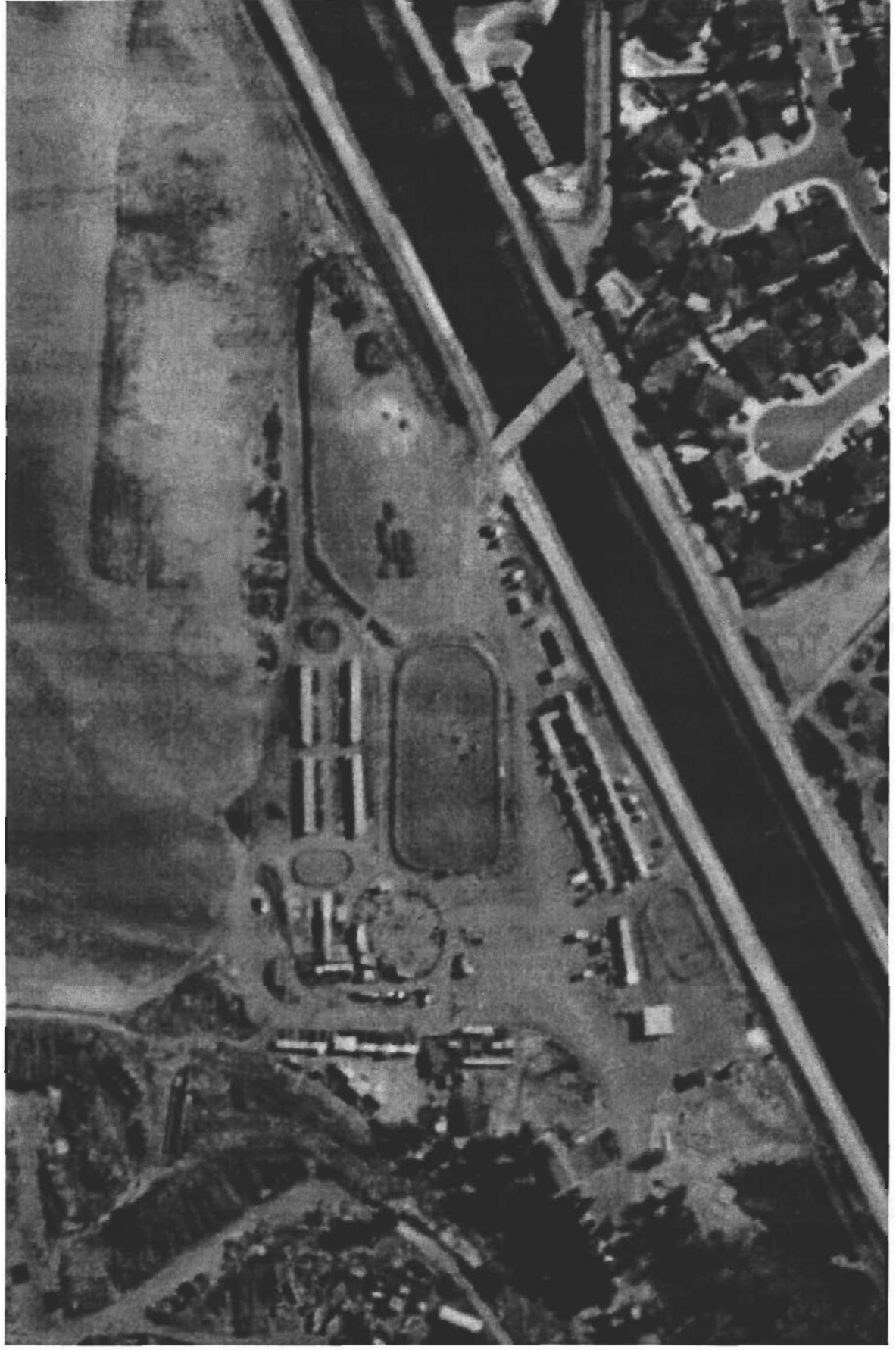
Attachment 5 – May 8, 1986



Attachment 6 – November 12, 1986



Attachment 7 – January 30, 1989



Attachment 8 – Dixon Draft Memo Cover Page

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



DRAFT MEMORANDUM

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

TO: Meg Vaughn

SUBJECT: Wetlands at Shea Homes Parkside

DATE: December 16, 2005

Documents reviewed:

- Barnes, J.R. (City of Huntington Beach). January 8, 1998. Letter to T. Dickerson (CDFG) re: "Request for comment on Shea Homes property wetlands status."
- Bilhorn, T.W. (Earth Science Consultant). September 1986a. Seasonal variations in the extent of ponded surface water in the Bolsa Chica lowland, Orange County, California. A report to Signal Bolsa Corporation.
- Bilhorn, T.W. 1986b. Shallow ground water system of the Bolsa Chica lowland, Orange County, California. A report to Signal Bolsa Corporation. [Not held; cited in Sanders (1987) and EPA (1989).]
- Bilhorn, T.W. June 1987. Agricultural area delineation, Bolsa Chica, Orange County, California. A report to Signal Bolsa Corporation.
- Bilhorn, T.W. February 25, 1995. Hydrology and cartography, Bolsa Chica Area, California. Supportive information to a Section 404 delineation. A report to D.R. Sanders & Associates.
- Bixby, M. 2005. Ponding at Shea Parkside. A website containing ground-level and aerial photographs of the agricultural area and the former county parcel owned by Shea Homes (<http://www.bixby.org/parkside/multimedia/ponding/index.html>).
- Bomkamp, T. (Glenn Lukos Associates). May 7, 2005a. Memorandum to J. Dixon (CCC) re: "Areas requiring clarification within May 4, 2005, technical memorandum regarding application of atypical situation methodology for Parkside Estates."

Karl Schwing

From: Julie Bixby [julie@bixby.org]
Sent: Tuesday, July 03, 2007 6:42 AM
To: Mark Bixby
Cc: Meg Vaughn; Karl Schwing; John Dixon; Jonna Engel; Bolsa Chica Land Trust; Dena Hawes; Flossie Horgan; Jan Vandersloot; Karen Merickel; karen merickel; Linda Moon; Lyndon Lee; Peggy Fiedler; Marc Stirdivant; Marcia Hanscom; Marinka Horack; Paul Arms; Paul Horgan; Robert van de Hoek; Rudy Vietmeier; Sandy Genis
Subject: Re: Respose to Shea's letter (Exhibit HHH)

Julie Bixby wrote:

> Hi, CCC staff and Friends of Bolsa Chica,
>
> I have to respond to Mr. Metzler's June 20, 2007 letter (Exhibit HHH)
> stating that BCLT is misrepresenting the facts about Shea's 1998
> farming operations;

Regarding that same memo from Melanie Fallon, it also mentions that DFG was considering changing their minds about the presence of wetlands at Shea (their appearance at that City Council meeting April 20, 1998, plus a meeting DFG had with city staff on April 28, 1998.).

--
Julie Bixby
Engage Romulan .sig cloaking device...



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

July 3, 2007

Meg Vaughn
Coastal Program Analyst
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

**RE: W8.5a LCPA No. 1-06 (CITY OF HUNTINGTON BEACH LCPA 1-06
PARKSIDE/SHEA HOMES) – APPLICATION WITHDRAWAL**

Dear Ms. Vaughn:

The purpose of this letter is to withdraw and immediately re-submit the Implementation Plan (IP) portion of the above Local Coastal Program Amendment (LCPA). The City and property owner, Shea Homes, assume as in prior withdrawals and re-submittals, staff can carry forward the file information that you already have.

We have only just recently received the Staff Report for this LCPA, which is scheduled on the July 11, 2007 public hearing agenda. However, we have yet to receive two key documents which the Staff Report incorporates by reference – Exhibits LLL and MMM, memoranda prepared by Dr. John Dixon and Jon Van Coops. In addition, the Staff Report presents a radically different recommendation from staff's May 2007 recommendation which effectively denies any feasible project on the Parkside Estates site and has significant repercussions for flood protection.

The Commission took action to deny the LUPA, as submitted, at its May 10, 2007 meeting. The remainder of the LCPA (*i.e.*, LUP Suggested Modifications, IP, and IP Suggested Modifications) has been set for the July 2007 meeting because the deadline for Commission action on the Implementation Plan is July 12, 2007. The City's withdrawal and re-submittal of the Implementation Plan will eliminate that time constraint.

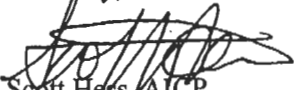
The City requests that staff postpone the hearing on the LUPA's Suggested Modifications to the October 2007 meeting in San Pedro. This will provide a more convenient venue for the hearing of this matter, provide the City and the property owner with a fair and reasonable amount of time to properly respond to the staff recommendation, and enable the Commission to resolve important issues raised by this LCPA, including the need for flood protection in a timely manner.

Ms. Meg Vaughn
California Coastal Commission
LCPA 1-06
Page 2

We have received approximately 400 postcards from our residents requesting that the hearing be postponed until October to make it easier for people to attend the hearing. We are hoping that our early withdrawal and re-submittal will enable staff to post on the Commission's website and otherwise circulate notice that the hearing has been postponed so as to not inconvenience those interested persons who would otherwise have to travel to the San Luis Obispo meeting.

If you need additional information, please let me know.

Sincerely,



Scott Hess, AICP
Director of Planning

cc: Mr. Patrick Kruer, Chair
California Coastal Commissioners, Alternates
Mr. Peter Douglas, Coastal Commission Executive Director
Ms. Sherilyn Sarb, Coastal Commission Deputy Director, OC Section
Ms. Teresa Henry, Coastal Commission District Manager
Mr. Karl Schwing, Coastal Commission Orange County Area Supervisor
Ms. Flossie Horgan, BCLT
Mr. Mark Bixby, BCLT
Mr. Ron Metzler, Shea Homes
Ms. Mary Beth Broeren, Principal Planner

Karl Schwing

From: Julie Bixby [julie@bixby.org]
Sent: Tuesday, July 03, 2007 9:01 PM
To: pkruer@monarchgroup.com; kram@contentllc.com; bonnie.neely@co.humboldt.ca.us; kachadjian@co.slo.ca.us; mreilly@sonoma-county.org; forelc@cox.net; district5@co.monterey.ca.us; benhueso@sandiego.gov; thayerp@slc.ca.gov; brian.baird@resources.ca.gov; lwan22350@aol.com; sblank@kandsranch.com; drbburke@aol.com; mary_shallenberger@ppfa.org; drdan@cox.net; skinsey@co.marin.ca.us; gonzalez@unionyes.org; Meg Vaughn; Karl Schwing; ron.metzler@sheahomes.com
Subject: Response to Lauren Pearce's e-mail

Commission staff & Commissioners,

Normally I would not contact Commissioners in this fashion (as I know some are adverse to any ex parte communications), but I could not let this young lady's comments go without response. Thus I am obligated to communicate with the same people she initially contacted (and I have added Karl Schwing to the staff distribution). My comments are inserted below the relevant text from Ms. Pearce.

```
>> -----
>> Date:      Mon, 2 Jul 2007 20:47:25 -0700
>>
>> From:      "Lauren Pearce" <laurenpearce@gmail.com>
>>
>> To:      pkruer@monarchgroup.com, kram@contentllc.com,
>> bonnie.neely@co.humboldt.ca.us,
>> kachadjian@co.slo.ca.us, mreilly@sonoma-county.org, forelc@cox.net,
>> district5@co.monterey.ca.us, benhueso@sandiego.gov,
>> thayerp@slc.ca.gov, brian.baird@resources.ca.gov, lwan22350@aol.com,
>> sblank@kandsranch.com, drbburke@aol.com, mary_shallenberger@ppfa.org,
>> drdan@cox.net, skinsey@co.marin.ca.us, gonzalez@unionyes.org,
>> mvaughn@coastal.ca.gov, ron.metzler@sheahomes.com
>>
>> Subject: Do not approve the staff's recommendation for Local Coastal
>> Plan W8.5a LCPA No. 1-06
>>
>> Commissioners:
>>
>> I am the blonde environmental studies major who spoke at the May
>> 10th hearing on the proposed Shea Parkside plan. I recently heard about
>> the staff's recommended plan for the site, and aside from disagreeing
>> with their proposal, I am outright appalled at their recommendation. I
>> urge you to vote against their proposal and vote for a plan that
>> follows the facts.
```

Ms. Pearce is too modest. Not only is she an environmental student, but she also happens to be a "Junior Associate" employee of Laer Pearce & Associates, Shea's P/R firm. Even if she is not speaking on behalf of LPA, or on behalf of Shea, one would think she would have cleared up this fact to prevent any misunderstanding.

Full disclosure: while I'm on the board of directors of the Bolsa Chica Land Trust, I am **not** writing this on BCLT's behalf; I am writing this as a concerned, private citizen.

```
>>
>> There is a lot of information circulating about the chemical
>> dihydromonoxide. This information states that dihydromonoxide or DHMO
>> is responsible for thousands of deaths each year, is a major
>> contributor to global warming, is used in pesticides, and exists in
>> every living being on this planet. Even though DHMO is so dangerous,
>> it is still legal, and is used in many industries. When the city of
```

>> Aliso Viejo California found this information in 2004 they made time
 >> on the agenda of the next City Council hearing to discuss banning this
 >> dangerous chemical. However, before that hearing took place, someone
 >> informed the council that DHMO was in fact water.
 >>
 >> Why am I telling you this true story? Because your staff is acting
 >> just as Aliso Viejo did on the matter of Local Coastal Plan W8.5a LCPA
 >> No. 1-06. They are acting on emotion, not on fact. Their
 >> recommendation should not be adopted, and the Commission needs to
 >> approve a more reasonable and balanced plan that achieves the city's
 >> and Coastal Act's objective. It is within in interest of public and
 >> environmental safety to do so.
 >>
 >> Shea Homes has presented public record after public record proving
 >> that there are no wetlands on the farm field portion of their site.
 >> They have shown the staff historic topographic maps, as well as
 >> published documents from The City of Huntington Beach, the Department
 >> of Fish and Game, the USGS, Corps of Engineers, Natural Resource
 >> Conservation Service, as well as Coastal Commission itself, disproving
 >> that the EPA is a wetland and that there was illegal fill on the farm
 >> field portion of the site. They have also shown testimony and analysis
 >> from many experts in many different fields of study. However, despite
 >> this vast and factual information, the staff would rather believe a
 >> dermatologist, a software engineer, some well-chosen photographs and
 >> an old newspaper article.

Staff have NOT taken what Dr. Jan Vandersloot and my husband Mark (the
 dermatologist and software engineer, respectively) on faith. What the
 Land Trust has done, and what these two in particular have done, is to
 simply ask staff to look at ALL the facts-- Shea's reports, historical
 photos not previously on the record, modern photos and observations--
 and to look at the information as a whole, rather than just look at the
 parts Shea is submitting. Of course Shea is going to present
 information that is favorable to them, and the Land Trust is going to
 present information that is favorable to it. It is up to staff to
 disseminate all of the information. Not to decide who is right and who
 is wrong, but to determine how the information applies to the Coastal Act.

What is unusual about this situation is the amount of information
 presented by the public, noted by Peter Douglas at the San Pedro
 hearing. Usually the information stream is one-sided, from the
 applicant. That is probably why Mr. Pearce called the San Pedro hearing
 "unfair", if he was used to the applicant getting to do all the talking.

But the public came out to San Pedro, and all of the proper speaking
 slips were submitted to the Commissioners.

>>
 >> Just as the information claiming that DHMO is a dangerous chemical
 >> failed to mention that DHMO is essential to the life of every organism
 >> on the planet, the Bolsa Chica Land Trust failed to include the public
 >> record discrediting their information in their presentations. The
 >> Bolsa Chica Land Trust would like you to believe that illegal fill is
 >> the reason why Parkside Estates no longer has wetlands on the site.
 >> Historical USGS maps clearly show that the site became dry when the
 >> floodgates were installed decades before any dirt was placed on the
 >> site, and that there was never any pickleweed mapped north of Slater
 >> Ave. The Bolsa Chica Land Trust did not show the Commission the CDP
 >> issued for Smoky's Stables, the CUPs issued by the City and County, or
 >> the approvals Shea received for farming.

Regarding this last sentence: why submit things already on the record?

>>
 >> It is the obligation of the Commission to put public safety first.

Ms. Pearce does not understand the workings of the Coastal Commission.
 It is the obligation of the Commission to put the COASTAL ACT first.

Yes, hazards are a portion of the Act. But first and foremost the Coastal Act is about PROTECTION OF COASTAL RESOURCES.

>> More than 800 homes are at eminent risk of flooding because your
>> Commission approved the flooding of "the Pocket." The Pocket's
>> engineering was flawed, but you still approved the plan. Now, the only
>> thing keeping the water in the Pocket out of these homes is an old,
>> deteriorated oil field road. You are obligated to protect these
>> people, and Shea's plan will protect them.
>>
>> Shea's plan also puts the public safety first. Their flood
>> improvements would remove 7,000 homes from the flood plain, removing
>> the need for mandatory flood insurance, and 2,000 more acres of homes
>> will have lowered premiums, helping these families out financially.
>>
>> If the Commission follows the staff's recommendation then none of
>> these improvements will be built. Those 800 homes will be flooded if
>> there is even a 10 year storm with a high tide, those 7,000 homes will
>> be at risk of flooding and burdened by expensive flood insurance
>> payments. All while the Parkside sits there, completely dry, without
>> wetland vegetation, because it is removed from the hydrology that
>> would allow wetlands to exist.

Everyone agrees additional flood protection is needed. The applicant and its supporters have droned on and on about the \$15 million worth of flood protection they will provide. They have dangled this carrot so long, the County and City have seen no need to come up with the money for improvements themselves. But I gotta ask, somewhat sarcastically, is the company called Shea Homes or Shea Public Works? The main issue before the Commission is residential zoning, not flood protection zoning. Shea Homes has lost sight of that.

>>
>> Alternatively, if Parkside Estates is approved, Shea will restore and
>> protect wetlands on the site, and it will be far more viable habitat
>> then could ever exist there due to the lack of hydrology.
>>
>> Don't fall for the emotional argument like Aliso Viejo did. Review
>> the
>> facts and listen to reason. Shea Homes' plan is environmentally
>> friendly and responsible. Don't let a couple NIMBY's who failed to
>> realize what the empty lot across from them was zoned for keep the CP
>> and AP from becoming viable wetlands again, and postpone indefinitely
>> improved flood safety for thousands of homes and families from being
>> realized.
>>
>> Lauren Pearce

Again, Ms. Pearce is ignorant of the Commission's actions. The lot has long been designated "MWD Wetland" on the Commission's LCP status maps. It has NO zoning as far as the Commission is concerned.

If anything in the Parkside matter has been an emotional argument, it is clearly the "flood protection for thousands" P/R cry, and the ads in the local papers deploring the Land Trust for delaying said protection. Such rhetoric should not cloud decision making on Coastal Act regulations.

I can agree with Ms. Pearce on one point: review the facts. That is exactly what staff has done with their June 29, 2007 report.

--
Mrs. Julie Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707

Ex Parte Communications

(Received After Staff Report Was Mailed Out)

RECEIVED
South Coast Region

JUL 3 - 2007

CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

RECEIVED
JUL 02 2007
CALIFORNIA
COASTAL COMMISSION

Date and time of communication:

7.2.07 11:00 AM

Location of communication:

(If communication was sent by mail or
facsimile, indicate the means of transmission.)

S.L.O. COUNTY GOV. CENTER
TELEPHONE

Identity of person(s) initiating communication:

FLOSSIE MORGAN BOLSA CHICA LAND TRUST

Identity of person(s) receiving communication:

COMMISSIONER ACHADJIAN

Name or description of project:

SHEA HOMES

Description of content of communication:

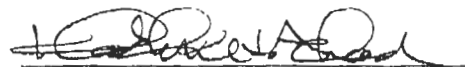
(If communication included written material, attach a copy of the complete text of the written material.)

CONCERNS SHARED ABOUT WETLANDS, BUFFER ZONE AND ENDANGERED
SPECIESSUPPORT THE PROJECT WITHIN THE COASTAL ACTSUPPORT STAFF RECOMMENDATION

Date

7.2.07

Signature of Commissioner



If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director **within** seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, **complete** this form, provide the information **orally** on the record of the proceeding **and** provide the Executive Director with a copy of any written material that was part of the communication.

Letters
Objecting
to

**Hearing Location in
San Luis Obispo**

LCPA 1-06 as Submitted
(Received Since May 10, 2007 Hearing)

RECEIVED

MAY 22 2007

CALIFORNIA
COASTAL COMMISSION

Fax (415) 904-5400

RE: Shea Parkside meeting in SLO in July

California Coastal Commission
attn: Peter Douglas
45 Fremont St #2000
San Francisco, CA 94105-2219

RECEIVED
South Coast Region

MAY 24 2007

CALIFORNIA
COASTAL COMMISSION

Dear Peter

It is going to be terribly expensive for all of us who came to the meeting in San Pedro to get to San Luis Obispo. We are checking and the AMTRA and the Greyhound which both take 6/7 hours and depending on the number we are going to be on the agenda it will mean overnight lodging if we are either early or late. For this Shea project it seems unfair to me to hold the meeting in the sites which are so far away from where we all live.

The next one is Eureka and then SF. Please urge the City of HB to withdraw their request that the continuance of City Of Huntington Beach LCPA No. HNB-MAJ-1-6 (Parkside/Shea Homes) be continued to the CCC's next local area meeting in October, 2007.

Eileen Murphy
201 21st Street
HB CA 92648
Fax 415-904-5400



Dear Mr Douglas,

5/20/07

I respectfully request that the continuance of City of Huntington Beach LCPA No. HNB-MAJ-1-6(Parkside/Shea Homes) be continued to the CCC's next local area meeting in October 2007.

I am unable to make the trip to San Luis Obispo.

At the San Pedro hearing you noted how important public participation is. For something as significant as the fate of Bolsa Chica and surrounding residents, the public deserves the opportunity to be present.

Signed June C. Nye

RECEIVED
San Coast Region

MAY 25 2007

CALIFORNIA
COASTAL COMMISSION

RECEIVED

MAY 31 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**RECEIVED**
MAY 23 2007
CALIFORNIA
COASTAL COMMISSION

> California Coastal Commission
> attn: Peter Douglas
> 45 Fremont St #2000
> San Francisco, CA 94105-2219
>
> FAX (415) 904-5400
>

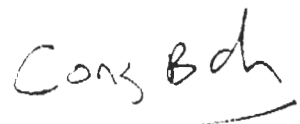
> Dear Mr. Douglas,
>

> I respectfully request that the continuance of City Of Huntington
> Beach LCPA No. HNB-MAJ-1-6 (Parkside/Shea Homes) be continued to the
> CCC's next local area meeting in October, 2007. I AM A HOMEOWNER
> ON RIDGEBURY DRIVE DIRECTLY AFFECTED BY THIS DECISION AND CANNOT MAKE
> THE TRIP TO SAN LUIS OBISPO. At the San Pedro hearing you noted how
> important public participation is. For something as significant as the
> fate of Bolsa Chica (and my own property), the public deserves the
> opportunity to be present.

> Signed 
>
>

RECEIVED

MAY 24 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Letters
in
SUPPORT
of

LCPA 1-06 as Submitted
(Received Since May 10, 2007 Hearing)



JOHN M. W. MOORLACH, C.P.A., CFP®
ORANGE COUNTY BOARD OF SUPERVISORS
SUPERVISOR, SECOND DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION
333 W. SANTA ANA BLVD.
10 CIVIC CENTER PLAZA, SANTA ANA, CALIFORNIA 92701
PHONE (714) 834-3220 FAX (714) 834-6109
john.moorlach@ocgov.com

MARIO MAINERO
CHIEF OF STAFF

RICHARD FRANCIS
DEPUTY CHIEF OF STAFF

JOHN COLLINS
EXECUTIVE ASSISTANT

KATHLEEN MORAN
EXECUTIVE ASSISTANT

IAN RUDGE
EXECUTIVE ASSISTANT

CATRY SULLIVAN
ADMINISTRATIVE ASSISTANT

June 25, 2007

Mr. Patrick Kruer, Chairman
California Coastal Commission
45 Fremont Street, Suite 4000
San Francisco, CA 94105

RE: Local Coastal Permit Amendment 1-06, Huntington Beach

Dear Chairman Kruer:

I am Supervisor for the Second Supervisorial District of Orange County, which includes Huntington Beach. Among my commitments to my constituents is the protection of environmental resources, and I am proud that the Second District includes the Bolsa Chica restoration project as a centerpiece of cooperative environmental restoration. We also have a critical commitment to protect the public safety, and in that regard I am writing you to request that the Commission approve Huntington Beach LCPA 1-06, and Shea Homes' Parkside Estates project.

In order to build Parkside Estates, Shea Homes must install regional flood protection features that will result in more than 7,000 Huntington Beach homes and businesses being removed from the Federal Emergency Management Agency's flood map, which represents a great enhancement of public safety. Additionally, homes on 2,000 adjacent acres will be placed at lower flood risk, and 800 homes now at risk of tidal flooding from the Pocket Wetlands will be protected from that risk. That risk is real, since severe flooding may well occur in the event of a 10-year flood and high tide.

None of this critical flood mitigation, which will bring economic relief and relief from the threat of flooding to many residents of the Second District, can happen without Parkside Estates' approval by the Coastal Commission. Further, because Parkside Estates is at the far end of the Wintersburg-East Garden Grove flood control channel, no upstream improvements can be undertaken until the Parkside Estates improvements are completed. I am working to secure funding and approvals for upstream channel improvements and believe Parkside Estates will help us to expedite our own process.

Patrick Kruer
June 25, 2007
Page 2

My staff and I have met with representatives of Parkside Estates in the process of walking the property and viewing the possible impact of development on the surrounding habitat, and we understand that they have committed to preserve and restore all environmentally sensitive habitat identified by the Commission on the site. With that assurance, and with their commitment to construct much needed regional flood protection improvements, I urge you and your fellow commissioners to support this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Moorlach", written in a cursive style.

John M. W. Moorlach

John Healey
6181 Palisade Drive
Huntington Beach CA 92647

June 25, 2007

Mr. Patrick Kruer, Chairman
California Coastal Commission
c/o The Monarch Group
7727 Herschel Ave.
La Jolla, California 92037

RE: Parkside Estates, Huntington Beach

Dear Chairman Kruer:

I am writing to express my displeasure that the Coastal Commission did not approve the Huntington Beach Local Coastal Plan Amendment for Parkside Estates at its May meeting. I was unable to attend the hearing due to work commitments, but I was shocked to learn that the Coastal staff did not even speak in defense of its own recommendation, which supported approval of a revised plan.

It is disgraceful that the Coastal Commission and its staff were duped so easily by local no-growth environmentalists who presented nothing new into the record. The staff report addressed the "illegal fill" issues raised by the opponents of this plan – why didn't the staff defend its report and its findings? Why wasn't the staff asked to speak in defense of its staff report?

Recently a change, by FEMA, of the floodplain map caused a redesign and delay of extensive building improvements for a Huntington Beach school and church (of which I am a member) property. This added significant costs to this project along with delaying the benefits of these improvements. It is my understanding that this would not have been necessary had the improvements planned by Shea been approved and implemented in a timeline manner.

I am particularly upset because the California Coastal Act requires that the Commission protect people, as noted in Section 30253:

New development shall:

- (1) Minimize risks to life and property in areas of high ... flood ... hazard.**

Note that protection of the public safety and property from flood is listed as #1, ahead of the other four considerations in this section. By ignoring the staff report's


Mr. Patrick Krueer
California Coastal Commission
Page 2

discussion of the phony "illegal fill" allegations made by the no-growthers, the Commission stuck thousands of residents of Huntington Beach with another year at a minimum without the improved flood protections the Parkside project will bring. It is every bit as likely that next year will be the 100-year flood year as it is that 2107 will be, and we'll be facing it with no new protections in place.

And for what? To "protect" a farm field that has been a farm field for at least 50 years! There is no wetland on that field. All you have to do is look at it and you can see that – or better yet, look at all the studies Shea has done. The Coastal Act doesn't let the Commission staff assume the role of Carnac the Magnificent and guess what will be there at some future date – decisions have to be made based on what is there today. In this case, the area can never be a natural wetland again because the surrounding development long-ago cut off any natural water supply, and the tide gates have kept the tides out of the area for over a century. None of this will ever change.

I ask you to do all you can to see that this matter is heard again as quickly as possible, and that the kind of shameful behavior that occurred at the May hearing will not be repeated. The people of Huntington Beach want the Commission to do its job to protect the coast, but also to recognize that an equally important part of its job is to approve developments that "minimize risks to life and property in areas of high flood hazard."

Sincerely,



John Healey

cc: Peter Douglas, Coastal Commission, San Francisco
Mr. Ron Metzler, Shea Homes



Los Angeles County Farm Bureau

41228 12th Street West, Suite A • Palmdale, CA 93551

Telephone 661.274.9709 • Fax 661.274.0637

www.lacfb.org

South Coast Region

JUL 3 - 2007

CALIFORNIA
COASTAL COMMISSION

June 29, 2007

Mr. Patrick Kruer, Chairman
Mr. Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Violation Notice V-5-06-003, Orange County

Dear Sirs:

I am writing on behalf of the Los Angeles County Farm Bureau, which represents over 5,400 members, to express our concern about issues related to the violation notice cited above.

In the violation notice, the Commission's staff described the process of "grading and placement of fill material in a wetland," what our farmers consider to be a routine and permitted agricultural practice. The citation is troubling to agricultural interests in the Los Angeles County coastal zone because it declares routine field preparation to be "grading."

The Los Angeles County Farm Bureau is very concerned that your staff is attempting to issue a violation against normal farming activities. The commission's staff is basing their notion on the contention that a wetland "might" someday be formed upon a current piece of agricultural land, and are also trying to redefine routine farming operations as "grading." The violation notice states:

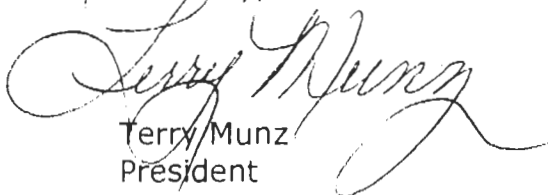
Specifically, the unpermitted development involved the use of a device designed to move soil from elevated areas into depressions, i.e. a box blade scraper ... to move soil from a berm and raised fill pad along the Wintersburg Channel to adjacent wetlands located on subject property.

It is important to note that the implement used, a box plow (not a "box blade scraper"), is a commonly used tool in field preparation. It is used, as the violation notice accurately states, to move soil from elevated areas into depressions. This is, and always has been, the nature of field preparation: Farmers use equipment to level a site because raised areas shed water too quickly and do not produce well, and depressions hold water too long and also do not produce well. We understand that only about four to six inches of soil was moved through this operation, an amount considerably less than the amount of soil that is routinely moved to create furrows, which are typically about nine or ten inches deep.

Should these routine farming operations now be deemed "unpermitted development," it will jeopardize family farming operations in the Coastal Zone. If farmers can be cited for routine and legal operations because the area they are farming *could* become a wetland if it is not farmed, the Commission in effect will have declared farming in the Coastal Zone to be illegal. This is an unacceptable result, and we urge you to reconsider any and all violations against standard agricultural practices.

The Los Angeles County Farm Bureau asks the Commission to consider our comments and rescind the violation.

Sincerely,



Terry Munz
President

cc: Commissioners, California Coastal Commission
Alternates, California Coastal Commission
Ms. Meg Vaughn, California Coastal Commission
John Hewitt, California Farm Bureau



Santa Barbara County Farm Bureau

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

RECEIVED
South Coast Region

June 4, 2007

Ms. Meg Vaughn
California Coastal Commission
South Coast Region
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

RE: Huntington Beach/Shea Homes LCPA

Dear Ms. Vaughn:

The Santa Barbara County Farm Bureau represents over 800 California farm families and related businesses, including many who have farmed within the Coastal Zone for many years. On behalf of our members, I am writing to express our deep concern regarding the proposed designation of areas within the farm field on the Shea Parkside site as wetlands, and the violation that was filed after Shea Homes and its contract farmer placed approximately three to six inches of soil in one such area as part of routine farming activities.

The staff report on the Huntington Beach LCPA states on page 28 of Exhibit K that it is "reasonable to expect" that low areas on the site "could" develop a preponderance of wetland indicator species "in the absence of farming" "over a period of decades." This constitutes an entirely new and extremely unreasonable definition of what constitutes a wetland. The Coastal Commission is expected to make its determinations based on the characteristics of the site now, not what it could be decades hence if farming is stopped.

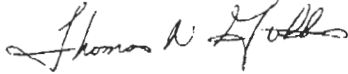
We are also concerned that the violation was issued even though the incident occurred before a draft wetland determination was issued – a determination that the Commission has yet to rule on. This appears to be an egregious regulatory overreach.

We request that the Commission reject the staff's wetland determination as an unfounded, dangerous and inappropriate new precedent. We also request that the Commission direct its enforcement staff to withdraw the violation notice in question.

cont. page 2

Finally, it is our belief that the Coastal Commission staff is not sufficiently versed in farming practices to understand the nature of site preparation, leveling and use of normal farming equipment. For example, under routine plowing and field preparation practices, the movement of three to six inches of soil anywhere on a farm field is insignificant, and is certainly not "fill." We would be pleased to help arrange for a Farm Bureau presentation to the Commission and staff regarding normal farming practices at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas N. Gibbons".

Thomas N. Gibbons
President

CC: Patrick Kruer, Chairman
Khatchik Achadjian South Coast Region Commissioner
Brooks Firestone South Coast Region Alternate
Peter Douglas, Executive Director

MAY 24 2007

Commissioner Shallenberger,

I am the environmental studies student who spoke in support of approval of the ~~Shea~~ ^{CALIFORNIA} Parkside plan at the Thursday, May 10th Coastal Commisison hearing. I'm writing you to clarify my information and go deeper into my support for this project. ~~COASTAL COMMISSION~~

I made a comment at the hearing about WP's isolation that provoked reaction from you as well as Chairman Kruer. You commented that perhaps Shea should add a connection between WP and CP in order to recitify this problem. This was not the reaction I wanted, and I feel that this suggestion would not be of much benefit.

I personally do not think that WP is a wetland, but in fact a low point in the farm where the water accumulates naturally. If that is enough for a site to become a wetland, than I have a fresh water marsh in my lawn your staff may want to look at. Naturally, because I feel this way, I do not think that there is a benefit to connecting the two sites. I also feel that if there was a benefit, your staff would have recognized this when planning their report.

Shea has preformed many studies, and has conceded to your staff's recommended ammendments. I do not feel there is a need for them to preform more studies or concede even more when they have a solid plan which will be of much higher benefit to the natural environment completed, than the site is now.

The Coastal Commisison's mission statement is: Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.

I feel that as a whole, Shea's plan conforms to the Commission's believes and deserves approval. Shea's plans protect CP and AP as well as the two Eucalyptus groves. Shea's plan will restore all of these areas to environmentally productive sites. Shea's plan will enhance and the environment though the protection of the site as well as their very generous, and unprecedented decision to treat the run off for 3,000 homes, and improve the sewer systems adjacent to the site.

What's more, Shea's plan protects people. Shea's VFPPF directly protects 800 homes from flooding during a storm surge in the pocket. Shea's levee improvements will remove the flood danger for 7,000 homes. Shea's plans will also improve human health, with cleaner water quality in the harbor, and thus in the ocean. Commissioner Juan stated that these benefits will come, the question is what development on the site will happen with these improvements. However, as the Commission drags its feet deciding what the development will in tale, Shea's benefits are left unrealized.

Current generations will have to go through another rainy season without these improvements. Current generations are worried about flooding, wondering how they are going to make the high flood insurance payments, and are unable to enjoy the environmental benefits Shea's plans will provide. They will be forced to endure another

rainy season where runoff from the farm will impact the natural environment, without the sewer and runoff controls to protect the environment, and another rainy season with residents left hoping that a big enough storm doesn't come through, toppling the oil road or breaching the levee. They worry about all of this due to the Commission's decision to delay this matter once more. This seems like a high price to pay over a small dispute over WP and an ESHA boundary, a dispute that Shea was willing to compromise on.

I have reviewed the benefits of Shea's plan. I have seen the site. I feel that both Shea's plan and the staff's recommended plan are worthy of approval and implementation. I feel these plans need to be implemented as soon as possible, in order to avoid the possibility of flooding. I hate to bring up Katrina, but the citizens of Huntington Beach will be very upset if they learned a tragic failure could have been avoided if the Commission had approved the plan that the City has long endorsed.

Please approve this project the next time it comes up for review. The plan deserves it.

Thank You

A handwritten signature in black ink, appearing to read 'Lauren Pearce', written over the printed name.

Lauren Pearce

Meg Vaughn

From: Lauren Pearce [laurenpearce@gmail.com]

Sent: Monday, July 02, 2007 8:47 PM

To: pkruer@monarchgroup.com; kram@contentllc.com; bonnie.neely@co.humboldt.ca.us; kachadjian@co.slo.ca.us; mreilly@sonoma-county.org; forelc@cox.net; district5@co.monterey.ca.us; benhueso@sandiego.gov; thayerp@slc.ca.gov; brian.baird@resources.ca.gov; lwan22350@aol.com; sblank@kandsranch.com; drbburke@aol.com; mary_shallenberger@ppfa.org; drdan@cox.net; skinsey@co.marin.ca.us; lgonzalez@unionyes.org; Meg Vaughn; ron.metzler@sheahomes.com

Subject: Do not approve the staff's recommendation for Local Coastal Plan W8.5a LCPA No. 1-06

Commissioners:

I am the blonde environmental studies major who spoke at the May 10th hearing on the proposed Shea Parkside plan. I recently heard about the staff's recommended plan for the site, and aside from disagreeing with their proposal, I am outright appalled at their recommendation. I urge you to vote against their proposal and vote for a plan that follows the facts.

There is a lot of information circulating about the chemical dihydromonoxide. This information states that dihydromonoxide or DHMO is responsible for thousands of deaths each year, is a major contributor to global warming, is used in pesticides, and exists in every living being on this planet. Even though DHMO is so dangerous, it is still legal, and is used in many industries. When the city of Aliso Viejo California found this information in 2004 they made time on the agenda of the next City Council hearing to discuss banning this dangerous chemical. However, before that hearing took place, someone informed the council that DHMO was in fact water.

Why am I telling you this true story? Because your staff is acting just as Aliso Viejo did on the matter of Local Coastal Plan W8.5a LCPA No. 1-06. They are acting on emotion, not on fact. Their recommendation should not be adopted, and the Commission needs to approve a more reasonable and balanced plan that achieves the city's and Coastal Act's objective. It is within in interest of public and environmental safety to do so.

Shea Homes has presented public record after public record proving that there are no wetlands on the farm field portion of their site. They have shown the staff historic topographic maps, as well as published documents from The City of Huntington Beach, the Department of Fish and Game, the USGS, Corps of Engineers, Natural Resource Conservation Service, as well as Coastal Commission itself, disproving that the EPA is a wetland and that there was illegal fill on the farm field portion of the site. They have also shown testimony and analysis from many experts in many different fields of study. However, despite this vast and factual information, the staff would rather believe a dermatologist, a software engineer, some well-chosen photographs and an old newspaper article.

Just as the information claiming that DHMO is a dangerous chemical failed to mention that DHMO is essential to the life of every organism on the planet, the Bolsa Chica Land Trust failed to include the public record discrediting their information in their presentations. The Bolsa Chica Land Trust would like you to believe that illegal fill is the reason why Parkside Estates no longer has wetlands on the site. Historical USGS maps clearly show that the site became dry when the floodgates were installed decades before any dirt was placed on the site, and that there was never any pickleweed mapped north of Slater Ave. The Bolsa Chica Land Trust did not show the Commission the CDP issued for Smoky's Stables, the CUPs issued by the City and County, or the approvals Shea received for farming.

It is the obligation of the Commission to put public safety first. More than 800 homes are at eminent risk of flooding because your Commission approved the flooding of "the Pocket." The Pocket's engineering was flawed, but you still approved the plan. Now, the only thing keeping the water in the Pocket out of these homes

7/3/2007

is an old, deteriorated oil field road. You are obligated to protect these people, and Shea's plan will protect them.

Shea's plan also puts the public safety first. Their flood improvements would remove 7,000 homes from the flood plain, removing the need for mandatory flood insurance, and 2,000 more acres of homes will have lowered premiums, helping these families out financially.

If the Commission follows the staff's recommendation then none of these improvements will be built. Those 800 homes will be flooded if there is even a 10 year storm with a high tide, those 7,000 homes will be at risk of flooding and burdened by expensive flood insurance payments. All while the Parkside sits there, completely dry, without wetland vegetation, because it is removed from the hydrology that would allow wetlands to exist.

Alternatively, if Parkside Estates is approved, Shea will restore and protect wetlands on the site, and it will be far more viable habitat then could ever exist there due to the lack of hydrology.

Don't fall for the emotional argument like Aliso Viejo did. Review the facts and listen to reason. Shea Homes' plan is environmentally friendly and responsible. Don't let a couple NIMBY's who failed to realize what the empty lot across from them was zoned for keep the CP and AP from becoming viable wetlands again, and postpone indefinitely improved flood safety for thousands of homes and families from being realized.

Lauren Pearce

Meg Vaughn

From: Donald and Mary Clemens [cmarilu33@aol.com]
Sent: Thursday, May 17, 2007 9:15 PM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I am familiar with the Shea Homes Parkside Estates project and strongly encourage the Coastal Commission's approval of Local Coastal Program Amendment 01-06, as proposed by the City of Huntington Beach and Shea Homes. Further delays put our homes at risk, exposing us to an additional rainy season without the critical flood safety improvements offered by Shea's plan.

The Commission's approval of Parkside Estates could make it possible for Shea to complete its tidal flooding protection by the 2007-2008 rainy season, and the other flood protection features by the 2008-2009 season, but further Coastal Commission delays will jeopardize both of these dates.

Shea Homes' commitment to spend \$15 million on new storm drains, pumps and levee improvements will only become a reality upon your approval. Once completed, these improvements will reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach home and business owners.

Please approve the amendment and permit on May 10th.

Sincerely,

Donald and Mary Clemens
Huntington Beach

23 Copies
received

Meg Vaughn

From: Christine Martin [ChrisMartin@socal.rr.com]
Sent: Monday, June 25, 2007 4:23 PM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I have reviewed materials relative to Shea Homes Parkside Estates and strongly support the plan and encourage the Coastal Commission's approval of Local Coastal Program Amendment 01-06 on July 10th.

There is a great shortage of new homes in the coastal areas of Orange County, and this site - as an infill property surrounded almost entirely by existing development - is an ideal place to build new homes. I would like to live in an ocean-close community that has an environmentally sensitive plan, and Parkside Estates is just that - it protects wetlands and habitat areas, will use a new natural treatment system (wetland) to treat runoff, and reduce flood risks for thousands of people.

These public benefits shouldn't be delayed any longer. I encourage the Commission to approve the amendment and permit in July.

Sincerely,

Christine Martin
Huntington Beach

5 copies
received

Meg Vaughn

From: Mark Mers [markmers@surfside.net]
Sent: Tuesday, June 26, 2007 9:42 AM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I strongly encourage Coastal Commission approval of the Shea Parkside Local Coastal Program Amendment 01-06 proposed by the City of Huntington Beach and Shea Homes.

Shea Homes has shown itself to be a very responsible landowner that has bent over backward to comply with all the regulatory requirements - yet its plan and the millions of dollars of developer-funded improvements it will bring have been delayed for years. It is obvious that a small group of non-scientist, anti-growth activists have done everything they can to delay the project, but the time has come for the Commission to hear the case and approve the project.

These public benefits shouldn't be delayed any longer, and Shea Homes' property rights should be honored. I am therefore requesting an affirmative action by the Coastal Commission in July.

Sincerely,

Mark Mers
Huntington Beach

3 Copies
received

Meg Vaughn

From: David White [davidr.white@verizon.net]
Sent: Wednesday, June 27, 2007 1:06 PM
To: Meg Vaughn
Cc: Gil Coerper
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I am writing to urge the Coastal Commission's approval of Local Coastal Program Amendment 01-06, as proposed by the City of Huntington Beach and Shea Homes.

The proposal has many merits, but I particularly like its parks and the greater public access to coastal areas it provides. The new bike and hiking trails and vista points overlooking the restored Bolsa Chica wetlands and nearby Environmentally Sensitive Habitat Areas will be a great asset for the public. These benefits are unnecessarily threatened by ongoing bureaucratic delays and unwarranted opposition to the plan.

I also appreciate that Parkside Estates will protect wetlands and the eucalyptus trees, and treat urban runoff through a new freshwater wetland. The flood control benefits it brings will also be a benefit to thousands of Huntington Beach residents and businesses.

This is a plan that deserves a speedy approval from the Coastal Commission in July.

Sincerely,

David White
Huntington Beach

Letters
OPPOSED
to

LCPA 1-06 as Submitted
(Received Since May 10, 2007 Hearing)



**Amigos
de
Bolsa
Chica**

P.O. Box 1563 - Huntington Beach, CA 92648
Phone/Fax (714) 840 1575 email info@amigosdebolsachica.org

July 1, 2007
Mr. Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate -- 10th Floor
Long Beach, CA 90802-4416

Item W 8.5a

RECEIVED
South Coast Region

JUL 2 2007

CALIFORNIA
COASTAL COMMISSION

RE: Item W 8.5a - Major Amendment Request
No. 1-06 to the City of Huntington Beach
Certified Local Coastal Program (For Public
Hearing and Commission Action at the
July 11, 2007 meeting in San Luis Obispo).

Dear Mr. Kruer and Members of the Commission:

Amigos de Bolsa Chica, a non-profit, grassroots organization of 1,000 members in Huntington Beach, California, has had a three-decade history of advocating the protection of the coastal wetland and upland resources of the Bolsa Chica. We fully support the CCC staff's recommendations in their June 29 report for the denial of Huntington Beach's LCP amendment as submitted, as well as staff's proposals for approving these items with specific modifications.

The Commission staff is to be commended for taking the time and effort to review carefully the evidence provided by local citizens and other sources that the area of the Parkside site's wetlands was much more extensive than was originally proposed. It has been common knowledge among many local residents that efforts to disguise the historic wetlands on the site have continued over many years.

We are also pleased that the staff has recognized the value of protecting the ESHA buffers in the Parkside area and has dropped its recommendation to allow a natural treatment system in the buffers.

CONCLUSION

In conclusion, Amigos de Bolsa Chica supports the recommendation that the Commission DENY the Land Use Plan Amendment and Implementation Plan as submitted by the City of Huntington Beach and instead APPROVE the document with the staff's modifications that bring the document into compliance with the Coastal Act.

Sincerely,

Thomas Anderson
President, Amigos de Bolsa Chica
cc: Ms. Meg Vaughn
Dr. John Dixon

W8.5a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 OceanGate, Suite 1000 (10th floor)
Long Beach, CA 90802-4416
Fax: 562-590-5084

7/2/2007

RECEIVED
South Coast Region

JUL 3 2007

CALIFORNIA
COASTAL COMMISSION

Ref: CCC report W8.5a-7-2007 070629.pdf

Subject: Support of CCC report W8.5a-7-2007 070629

Your extensive and detailed efforts to establish fundamental facts is greatly appreciated. I support your findings and recommendations.

However an area that I am concerned with is the possible location of the Vegetated Flood Protection Levee (VFPP), aka seawall, that is discussed at length on page 49 of your report. In general, I am more concern with the likely hood of an occurrence of another massive El Nino type rainfall year like or greater than we experienced in 2004-2005. At that time, a great deal of the rainfall in the Shea ParkSide property was absorbed within the uncovered soil area. However, with the elevation of the proposed Shea property, the risk is significantly increased that during a massive rainfall, the drainage from the proposed asphalt and paved housing area WILL exceed the nominal drainage structures and will overflow to adjacent areas, namely the areas north of the Shea property.

It seems that a more optimum location of a "sea wall", if one is to be build, would possibly be along the full length of the housing area wall adjacent to the Kenilworth Dr, out to/along Graham St. Such a structure would seem to provide protection to surrounding areas under both potential occurrences of an heavy downpour, El Nino type of rain AND of a lower probability of occurrence (but I assume not zero probability) of extreme high tidal waves (high tide combined with sever storm/winds) intruding into the populated areas of the lower lying coastal terrain. Hence, for this one point, it seems that further considerations are justified as to where such a Vegetated Flood Protection Levee (VFPP) would be most beneficially located.

Again, I appreciate the thorough and detailed work that the staff has done and I support your recommendations to the CCC.

Thank you again.
Larry Eaton
5332 Kenilworth Dr
Huntington Beach 92649

W 0122
July 1, 2007

RECEIVED
South Coast Region

JUL 2 2007

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commission,

Please help save our limited
coastal wetlands & open spaces.

The IP amendment should be denied
as submitted. Please approve the
modified staff proposals dated June 29.

As an owner of Kenilworth Drive I
am extremely concerned about the
damage to our tract that would
be caused by over-excavation,
dewatering & the elevation that
would take place to develop on
this site.

Thank you!

Jennifer A. Thomas
5432 Kenilworth Dr.
Huntington Beach, CA 92649

P.S. I am unable to attend the
SLO meeting because of lack of
child care & work commitments.

RECEIVED
South Coast Region

JUL 3 2007

CALIFORNIA
COASTAL COMMISSION

"W 8.5a"

June & George Ross
5472 Kenilworth Drive
Huntington Beach, CA 92649
714-840-5876

July 3rd, 2007

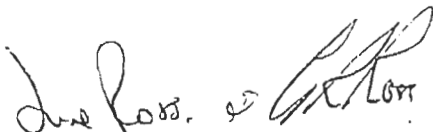
California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Sent by Fax: 562-590-5084

Dear Coastal Commission:

We support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

Sincerely

A handwritten signature in cursive script, appearing to read "June Ross" followed by a stylized flourish or second name.

June & George Ross

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
Fax: 562-590-5084

RECEIVED
South Coast Region

July 3, 2007

JUL 3 2007

CALIFORNIA
COASTAL COMMISSION

Ref: "W 8.5a"

Dear Ms. Vaughn:

I support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

I am grateful for the time and effort the staff has taken on this important issue. Our Wetlands are critical to the eco system. With 95% of them destroyed, it's a breath of fresh air to see the CCC stand up for the public's good as they have for the rest of the preservation of the Bolsa Chica Wetlands. This is something you can proudly talk about and show your accomplishment to you friends and family

Sincerely,



Greg Clifford
17501 Tuscan Circle
Huntington Beach, CA

W 8.5a

**LORRAINE PRINSKY AND JERRY GOLDFEIN
5402 BARWOOD DRIVE
HUNTINGTON BEACH, CA. 92649
(714)846-1493
FAX: (714)846-4593**

July 1, 2007

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

JUL 2 2007

CALIFORNIA
COASTAL COMMISSION

To the California Coastal Commission:

We have read and would like to add our support to the staff's recommendations regarding Huntington Beach LCP Amendment 1-06. We are grateful to the staff for examining this issue so carefully. We have lived in the area for over 20 years and believe that the land is must be preserved as part of the Bolsa Chica Wetlands and protected from development.

In addition, we believe the IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report. Concerning the option of RL vs. RM zoning, we support the RL zoning as being the most compatible with the adjacent Kenilworth tract, especially considering all of the over-excavation, dewatering, and elevation pads that would be necessary to support any development on the site.

We greatly appreciate the work of the California Coastal Commission to monitor land use along our precious Pacific Coast.

Sincerely,

Lorraine Prinsky and Jerry Goldfein

W 8.5 a

June 30, 2007

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region
JUL 2 - 2007
CALIFORNIA
COASTAL COMMISSION

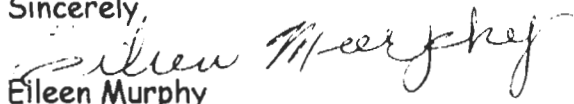
Dear Coastal Commissioners:

I support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

This project should be denied as the staff pointed out so eloquently. All the unpermitted fills that have been perpetrated on these wetlands doesn't take away the fact that they are wetlands.

We are very fortunate to have a staff that has so thoroughly studied this project.

Sincerely,



Eileen Murphy
201 21st Street
HB CA 92648

California Coastal Commission,
Attention – Meg Vaughn

200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Ms. Vaughn,

I do not support the Shea Homes attempt to construct a water treatment system inside the wetland and ESHA buffers. The buffers are there to protect the wetlands and habitat for the birds and other animals which live on the property. Allowing recreational activity or constructing anything inside the buffer zones will destroy the wetlands and protected Eucalyptus groves. Shea should not be allowed to build anything inside the buffers, not even a nature trail. No parks, no landscaping, nothing. The buffers are there to protect the environment and wildlife from humans, not the other way around.

DO NOT allow Shea to build anything inside the buffer areas, not even the street that is supposed to connect to Greenleaf. If that street is connected, it will eventually be opened up to through traffic instead of being for emergency vehicles only, and the Parkside residents will use that street to exit and enter the adjacent neighborhood instead of the signal Shea wants to install on Graham.

Shea has filled in wetlands on the property without permission and has also cut a drainage ditch illegally. The damage is still there and Shea needs to be ordered to remove the fill dirt before being given permission to anything else, even farming. Stop the environmental abuse and protect the wetlands, ESHA, and the buffers. Uphold the 1981 ruling that said the property should not be zoned for housing construction.

DO NOT approve any requests from Shea. Deny the LCPA and hold Shea legally accountable for their actions.

Thank you

Date

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

EDNA
HAYES

Dear Ms. Vaughn:

I am adamantly opposed to any and all development on the Shea property. The area is home to many raptor and other bird species, as well as a multitude of other wildlife and plants. The Parkside Estates development will fill in existing wetlands and contribute to the destruction of Environmentally Sensitive Habitat Area on the site by increasing the human presence in the vicinity and eliminating hunting and foraging grounds for the birds and animals which live there. I urge the Coastal Commission to DENY the Parkside Estates plan in its entirety so that the property may be preserved and restored to its natural state.

Furthermore, I request the property be re-evaluated for wetlands which still exist and have been illegally filled over the past twenty years. Those wetlands are buried under tons of fill that should be removed and the habitat restored. The setbacks for the documented wetlands and Environmentally Sensitive Habitat Areas must be preserved intact and not encroached upon with passive recreational activities or any water treatment facilities. Setbacks are designed to protect the sensitive environments and any activity within those protected areas are contradictory to the purpose of the laws.

Sincerely,

Paul Kussard
Margaret R. Fuzzard

Date:

5-5-07

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Th - 14a

RECEIVED

Dear Ms Vaughn and Commissioners:

How many times do the people of this area have to say "NO" to the Parkside Estates housing tract? This has been going on for a decade and the developer is still trying to build in the bean field. Put an end to this once and for all by denying the LCRA. We don't need the extra traffic, noise, pollution, and flooding this project will bring. We don't need to lose any more of our wetlands to unnecessary development. We can't afford to lose our homes to subsidence and vibration when Parkside is constructed. Preserve what's left of our open space and make Shea remove the illegal dirt fills on the property. Make Shea restore the wetlands that have been destroyed and buried by illegal grading. Save the habitat buffers and don't let anything be built.

Sincerely ...

Stratton + Cherry 17 Detinae
17081 Dacentree Lane

Date...

Huntington Beach, Ca. 92649

5/02/07

David E. Hamilton
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W 8.5a

July 2, 2007

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Re: Agenda item – W8.5a: Shea/Parkside Development site & Bolsa Chica wetlands conservation

Dear Commissioners,

In 1987 my wife and I purchased our home at 5401 Kenilworth Drive in Huntington Beach. The house, circa 1964, is located 200 feet northerly of the subject parcel. We purchased it in large part because of its proximity to open-space and the Bolsa Chica wetlands. We felt assured with the then-designation of the subject Shea/Parkside site as “wetlands/conservancy” on the 1986 Orange County Land Use Plan. The designation was corroborated by official City maps that showed the parcel as containing a large area labeled “EPA wetlands”.

When we purchased, we were aware of the near-sea level elevation of our property and the surrounding areas of approximately 90 acres. We were also aware of the potential flood hazard for which flood insurance was mandated. Where we live on Kenilworth Dr. is a geographic sump. The only thing that keeps water from getting knee-deep in our living room in a 10-year rain event is the Slater pump station. That did not scare us until about 8 years ago we had a heavy 3:00 AM rain event accompanied by a power failure. Water rapidly rose to cover half our front lawn when the power came back on. Had the power outage lasted another half hour, water would surely have invaded our home. Then there was Hurricane Katrina--a wake up call to everyone that would rely on high-capacity pumps to keep floodwaters at bay.

We find little-to-no comfort in Shea's “promises” to mitigate our neighborhood flood hazard with total reliance on pumps to remove potential floodwaters. Whereas, we would be comforted that, in case of flood disaster, the approximately 50-acre “wetlands” designated area (i.e. Parkside) would provide an open-area buffer for flooding in all but the most extreme of events. Our feelings are confirmed when; year-after-year this 50-acre parcel has large areas of prolonged standing water after even moderate rains while our home floors stayed dry.

Nonetheless some years ago, I did a rather rudimentary survey of our flood hazard. I used a surveyor's hand level and range pole. I found the high point for natural drainage between our house and the Huntington Harbor high-tide water level. From the information I determined that a 50-year rain event could quite possibly flood my house to a depth of 2 to 3 feet before the natural drainage would carry off floodwaters above that depth. Should the Slater pumps fail or be inadequate to keep up with incoming flows, I have since believed that a worse-case (not worst-case, mind you) scenario could flood my house to 2-3 feet.

Although we're greatly heartened by the latest CCC staff report redesignating the “EPA wetlands” as such, we remain concerned about any proposed seawall between the Kenilworth tract and those wetlands. Such a seawall will raise the potential flood-level in my home from the

current 2-3 feet to 6-8 feet. The former being tenable with partial reliance on the Slater pumps; the latter, untenable with total reliance on the Slater pumps. Because water seeks the lowest level, my neighborhood, in essence, will become the development's buffer in case of severe flood or any failure of its drainage mitigation measures (i.e. the Slater pumps). A fact the developer has readily admitted.

Although my motives could be construed as self-interested, the stakes here are far greater than a NIMBY issue. This development should not have been approved by the Huntington Beach City Council nor be allowed to proceed by the California Coastal Commission. The facts of large portions of the Shea/Parkside site being designated as wetlands were well known to all in 1987 and to any subsequent person or entity since. This parcel will undoubtedly revert to a wetland if left alone even in its present state as a "cropland". That is, despite the developer's illegal grading and filling to hide that inevitability. If the developer is allowed to proceed, California will permanently lose yet another piece of precious wetland open-space habitat. I am confident that once all the facts are heard and weighed, the CCC will favor wetland preservation by not approving this ill-advised development in a California coastal zone.

Further, I support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. The prior IP Amendment should be denied as submitted and the LUP and IP Amendments approved as modified by the staff in its June 29, 2007 report.

Also, please pass along my compliments and appreciation to the staff for the outstanding work that's reflected in its report of that date. Great job!

Regards,

David E. Hamilton
California Homeowner

W8.5a

California Coastal Commission
 South Coast Area Office
 ATTN: Meg Vaughn
 200 OceanGate, Suite 1000 (10th floor)
 Long Beach, CA 90802-4416

6/30/07
 Available in: *SheaHomes ParkSide Estates*

Ref: Huntington Beach LCPA HNB-MAJ-1-6 and Shea Parksideer

Subject: Shea's document titled: SheaHomes ParkSide Estates

This is a 4 page, very well crafted, multicolored brochure received by US mail to my address on 6/23/07 which focus on "Opponents' Allegations" and Shea's "Facts" (rebuttals). A primary single focus/thread through out this document is the issue of a possible occurrence of a major flood in the area surrounding Shea's ParkeSide Estates (which I will refer to as PSE) property to which Shea claims (I feel, unjustiabe) they will minimize and/or prevent. A little reference is also give to whether wildlife preservation is being appropriately addressed. However, it seems that Shea is using scare tacktics to get the people's attention. The unsettling aspect of Shea's recent actions, which are portrayed in this brochure is the use of partially facts or outright false statements to "support" their positions. Hence, I am driven to provide some possible counter statements to what Shea claims to the "Their Truth".

First, I need to state that I do not have personal confirmation that all of the "Opponents' Allegations" that are presented by Shea are truly "Factual" in them selves. However, I would like to make some comments relative to what Shea states as "facts" as apposed to what the Shea also says that the "opponents" state (again, I have no validation that all of the opponents allegations are correct). Unfortunately, true facts are often hard to establish, especially establishing them free from conflict of interest of a corporations and/or governments (and of course, private individuals are not exempt) desired bottom line. Here are some of my observations/thoughts. I will use Shea's "Opponents' Allegations" as the topical reference points tying the comments below ack to Shea's respective "facts" sections contained in their multi-color brochure:

Page 1, Opponents' Allegation #1: PSE will destroy the site's wetlands.

Comments: Shea has NOT demonstrated through their own initiative that they have any reservations about placing housing on ALL of the property, hence they have indicated a strong wiliness to destroy whatever wetlands that may be on their property (one can check the initial and following progression of building plans and modifications thereof). Shea has relented (a little, with feet dragging) from destroying all the existing wet lands on that property at this time ONLY because there are others (whom Shea labels "opponents") who have identified and extensively documented that some "wetlands" indeed do reside within the boundaries of the Shea ParkSide Estates property.

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Page 1, Opponents' Allegation #2: The PSE plan isn't based on sound science, but rather on the few "experts" hired by Shea Homes.

Comments: The qualifications of Shea's hired consultants, I believe, are not specifically under question. However, it is often very difficult to have an organization to "pay" someone to do something and have that someone totally avoid "conflict of interest" evaluations. It would usually be better to have an independent, third party, evaluation performed. That is, unless there is a strong reason to do otherwise, the "consultants" will report only that which they have been asked to do so. Another concern is that, if a paid consultant documents data/information contrary to Shea's desired outcome, one must ask whether Shea would make ALL of such relevant data visible to the government and public if it were not for the fact that Shea's actions were under close scrutiny? Also, if the "advisors" are not "sensitive" to preservation of the coastal wetlands, they are most likely to weigh any observations they make away from emphasizing the existence or possible existence of such wetlands. Would any advisor to Shea have ever said that there are wetland area(s) on that property IF others (the opponents) had not made public documentation showing that wetland do indeed exist?

Page 1, Opponents' Allegation #3: Shea Homes is responsible for illegal filling to cover wetlands on the site.

Comments: The primary object here for the "opposition", I believe, is to establish that wetlands have been "filled"/covered, not necessarily that Shea did all or any of it. Just how much of the property really is wetlands, had it not been modified by someone is a driving question? I was raised on a farm and was responsible for the farming during my high school years (irrigated land). So I am somewhat familiar with the process of farming. Yes, in order to "farm" the land, one would expect the land to be disced (to reduce size of living vegetation and loosen top soil), to be plowed (to turn top vegetation under, to loosen further the top multiple inches of soil), to planted, and cultivated. However, in addition to these routine farming steps, I also do know, but do not remember the exact dates (I have reside in the Kenilworth property since 1981), that when they re-started cultivating the farm land on the PSE property in the most recent years, large leveling equipment were brought in and used, what to me, look like to "smooth" out a number of low spots. I recall that I observed this leveling to happen at least two different times/years. The leveling of a field was not very unusual to me since that is a normal procedure/requirement in order to more easily irrigate a parcel of land, thus avoiding localized flooding (to make it flatter, possibly slightly sloping in direction of irrigation). In the most recent past, drip irrigation has been used which is not quite as sensitive to how "level" the land is, but it is still better level than not level to assure uniform watering. I observed that there was some leveling activity in the area near the Wintersberg channel as well as other places. As I recall, some of the activity was that of taking soil from a "built up area" next

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to the Wintersburg channel and using it in other areas which I had assumed were lower lying areas.

Even in this referenced document being discussed, Shea (or their public relation personnel) states in one breath (paragraph) that the property does NOT contain wetlands, but in the very next paragraph acknowledges that maybe there were areas that were filled some time in the past. Indeed, as shown by others (e.g., the environmental and nature loving "opponents"), there are indeed, presently "unfilled" areas that have the attributes of true wetlands (vegetation, long standing water, etc). Just how much more of this land is man covered wetlands is yet an unanswered question.

Just to state/reference that this or that organization in the past says there is or is not wet lands on the property does not necessarily mean that due diligence was taken at that time in the past to establish/validate said conditions. Also, probably more relevant, present laws have placed much more emphases on the preservation of wet lands than existed a number of years ago. Hence if the same past reviews were repeated today, the final decisions would most likely be different. Hence, to highlight/state/say what was stated some 10(s) of years ago is not as relevant as to what the law specifies today.

Page 2, Opponents' Allegation #1: PSE would become a wetland if farming stopped and homes are not built.

Comments: I have not heard anyone stating that all of the PSE property would be wetlands. I am not an expert in this, nor do I fully know just what is needed to be classified as a wetland or classified as peripheral of a wetland. However, the "opponents" have established, that when periods of non-farming permits, there is unique vegetation growth and long standing water that are indicative of wetlands history. The amount of water standing, for example, will be highly a function of annual rainfall. Again, some of the land presently continues to show signs of being wetlands while other areas have been modified by man (being it be building a drainage channel or leveling a field for agriculture purposes, or to store unneeded soil, or etc).

Page 2, Opponents' Allegation #2: If homes are built, the eucalyptus trees and birds of prey that live there won't be protected.

Comments: Again, here, Shea is making minimal concessions ONLY because there are those that have made public the need (and legal requirements?) to preserve these types of areas. A significant concern remains here is just what constitutes a "sufficient" buffer between man's noise, pollution, etc to preserve this natural habitat and it occupants. Again, I would think that it is not in Shea's interest to allow any buffer, but if it must, they would like to minimize the buffer zone. Whether it is sufficient buffer zone to protect the area is probably not of their primary concern since it would tend to affect their bottom line profit (hence

the continual conflict between Shea's "conflict of interest" of corporate desires and that of nature preservation).

Page 2, Opponents' Allegation #3: PSE will increase urban runoff that pollutes Huntington Harbor

Comments: Again, I must wonder if this is, as with much of the "pro-nature, pro-community" propaganda that Shea is touting which they state that they are doing all of these "extra" things out of the goodness of their heart for the general public, or is it being done only to counter the objections of the local residents. As for me, I am concerned that paving over a open area as well as elevating this same area [necessary, I understand that, in order to build housing on the land, they must elevate it by federal law - - it is too near sea level - - (wetlands level???)] poses increased, not less, flood hazard to my property. The open land provides an area where surface water can seep back into the ground after most major rains, etc (which has been observed to very often be the case). One only has to look at New Orleans as a partial example of man "re-claiming" wet lands for monetary profit only to have negative impact of eliminating a wet lands buffer zone. When covered with asphalt and at higher levels, this run off must go somewhere. Yes, as a housing area, there will be some drainage for the housing, however that will not control it all (we have had flooded streets when the rain can not drain away fast enough). And, if for some reason the pump upgrades that Shea continually refer too, do not function, then the flooding of the surrounding area will be increased due to the raised land area. In very recent years, I have driven through housing areas just north of Huntington Beach where the streets were flooded up into their yards, approaching their front doors - - I had to drive very carefully in a high van to avoid flooding my engine. So, as with most of Shea's sugar coated publicity for selling/making a profit, the full impact of both sides of "what if" are not presented for each of their arguments (of course not surprised, but even the presentation of their side is likely to be very misleading to someone that does not take the time to aquire the facts).

Page 2, Opponents' Allegation #4: The flood insurance and flood protection promised by Shea Homes will not happen, or are over-stated.

Comments: I really fail to understand why Shea's building these homes will MAKE other's home sit on higher ground, hence will decrease their flood insurance needs. Yes, if you build the PSE land up 8-10 feet, that area will indeed be reclassified. However I would that that alone would not change the classification of areas around it much less upstream along the Wintersburg channel (even indicating clear back to the US 405 freeway). I have heard indications that there is possibly a "reclassification" of flood zones in these surrounding areas that is presently in process of being completed (by the government?), but as I understand it has more to do with better flood plain models than it does with what Shea is doing or promises to do. It is disheartening to see any corporation using scare tactics (flooding) in order to

gain support and to possibly stretching facts/truth as to what is cause and affect (new models=less flood insurance, or Shea's building = less flood insurance in the surrounding, non-Shea property areas). Even more disheartening is when, once the homes are built, Shea walks away with their profit and has no liability for any possible subsequent negative impact of what they did or did not do.

Page 3, Opponents' Allegation #1: Shea Homes is just scaring people with talk about imminent tidal flooding.

Comments: I am not aware of this factor. Shea does indicate that there are tidal areas whose surface area is higher than the present Keniworth land area. Just what is the impact of this, if true, factually, I do not know.

Page 3, Opponents' Allegation #2: Localized channel repairs will NOT guarantee removal from mandated flood insurance zones and will increase the potential for levee failure downstream on the south channel berm.

Comments: As suggested previously, I do not see how Shea's building up their property will affect others flooding probability, other than the buildup, higher PSE property itself. They are saying in words and pictures/maps that a very large area upstream of the Shea property (showing clear back to the 405 freeway) will be removed (or reduced flood impact) from the flood plain just because of what Shea plans to build. I agree, adding pumps will help (as long as they do not fail), I do not see how that alone removes the said land from the flood plain. As stated previously, I understand that there may be some positive impact of more recent, better modeling of the flood plain, hence some relief for some of these area may be immanent. However, if that is true, it is not because of what Shea is doing - - but rather in spite of what Shea is doing - - the rezoning will be done with or without Shea. NOTE; Shea goes on to say in this section that their addition of pumps will NOT prevent flooding (although implied throughout their discussion, over and over again, such as rezoning due to Shea's efforts implies that there is less likely to flood, etc) (as occurred in 1998), but will only help pump it out faster (granted, as long as pumps work, AND as long as the channel upstream can handle the flow to get the water to the pumps). As presented by Shea, all their factors do not seem to be consistent - - rather they seem to be shaped in each section of the brochure as propaganda to sell homes, and only to do that, not to benefit the general public surrounding the area.

Page 3, Opponents' Allegation #3: Proposed flood control improvements will only protect people on the north side of the Wintersburg Channel.

Comments: Again, this is just touting/reshaping what Shea says in their previous so called "fact(s)". We do need true factual clarification: Just what will, if anything, change the flood zone classification for the large area that Shea is touting that they will influence? Is it a better model of the area, hence has nothing to do with Shea or if it is impacted by Shea public minded efforts (so they

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say), then just how/why such impact? Yes the pumps will help (but this should be a city/county/state issue since the drainage through this channel transverses multiple cities), but only if the water is able to get down the channel to the pumps. Shea, as I understand, will be reinforcing the channel where they build the PSE homes, partially by virtue of raising the ground level by a significant number of feet but I am not aware that they will also be reinforcing the channel a half mile or more upstream. Hence, even if they reinforce the actual channel adjacent to their PSE property, that does nothing about the poor condition of the channel upstream.

Page 4, Opponents' Allegation #1: Flooding in the area will become worse because the fill placed on the PSE site will cause floodwater to flow into surrounding neighborhoods.

Comments: Shea's focus on this whole brochure has been "flooding", seemingly being motivated by using a "scare" tactic to gain support of the surrounding community (and seemingly claiming to have a great influence on how much less many others will have to pay for flood insurance). As I mentioned previously, buffer zones of bare land as areas to permit water to seep back into the ground during heavy rains is somewhat effective in preventing runoff and flooding of adjacent areas during moderate to heavy rain falls. Of course it depends somewhat on how heavy and long a given rain storm is. So, if we take Shea's position that their addition of housing drainage and added pumps (if those truly materialize), and look at the opposite, what if, that is, what if there is short time failure of the drainage from the elevated homes within PSE, where would that many acre ft of water go? The channel will block escape to the south, hence it stand to reason that you would have run off to the north. Here again, just what is the flood zone "reclassification" of which Shea repeatedly refers for which they have great influence over, and what is the real justification for the change, is it Shea's proposed plan (of which one does not know how much will be done of it until after Shea is done and gone - - contains some inherent risk of all being done?), or, as I understand, very independent of Shea's plan, but a result of better flood plain models?

Page 4, Opponents' Allegation #2: The opponent's plan to create wetlands on the entire site would improve flood safety in Huntington Beach

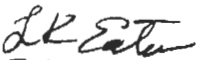
Comments: I am not aware of what is behind this. However, Shea continues to say that they will impact the flood classification of a square half to a square mile area, and only if they build their homes on high land. Yes, agreed, the FEMA will reclassify the PSE elevated land area, but why other areas (and if so, is it in spite of what Shea wants to do)? But, as a wetlands buffer zone, the un-paved land in this location has, and would continue to provide a buffer zone against surrounding area flooding under many of the anticipated weather conditions.

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Page 4, Opponents' Allegation #3: Shea Homes should just sell the land so it can be open space.

Comments: I hear conflicting information here, Shea says in the brochure that they HAVE made themselves available to consider a sale of PSE, I hear others say that they have NOT. Hence undoubtedly there are more facts here than I am aware. In any case, this is a potential resolution to a number of the present environmental/nature issues being addressed. Yes, a reasonable price and source(s) of funding would be key factors.

Thank you for your indulgence. Hopefully, those that have to make the decisions will be provided with the necessary clear and factual information for such a task.

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06/30/2007 14:11 1240432130

SheaHomes

Caring since 1881

This letter is
Brochure available
in color electronic form
RSE 6/30/07

Dear Neighbor,

We are writing to keep you informed about Parkside Estates, our proposed community near the corner of Warner and Graham that will provide much-needed flood protection for local neighborhoods. Unfortunately, it has come to our attention that misleading and inaccurate information about Parkside has caused confusion about our plan. I invite you to read the enclosed "Myths & Facts" document, which clarifies the environmental and flood safety benefits of Parkside.

With approval of Parkside and the completion of nearly \$15 million in regional flood protection improvements Shea Homes will fund, nearly 7,000 Huntington Beach homes and businesses would be removed from the flood plain, and no longer have to pay mandatory flood insurance. Homes on another 2,000 acres would be at lower flood risk, and be potentially eligible for lower flood insurance premiums.

Our opponents minimize very real flood risks, and want to bring back wetlands that disappeared between 50 and 100 years ago. They say our plan destroys wetlands, but we are committed to protecting all the natural resources the California Coastal Commission directs us to protect.

We really need your support!

Parkside Estates' benefits will only become a reality if the Coastal Commission approves our plan at its hearing on Tuesday, July 10 in San Luis Obispo.

You can help by taking a few seconds to visit our Web site and sending a letter to the Coastal Commission. It just takes a few seconds - just visit www.SheaParkside.com and click on the "Support Us" button. If you would like to speak in favor of our plan in San Luis Obispo, join us at the hearing. Just call our outreach coordinator, Laer Pearce, for more information. He can be reached at (949) 599-1212 ext. 202.

Sincerely,



Ron Metzler
Shea Homes

PS: To view the photos in the "Myths & Facts" piece in a larger format, just visit our Web site, www.SheaParkside.com.

603 S. Valencia Avenue
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Opponents' Arguments

THE FACTS

With or without homes, the farmed area does not regularly receive enough moisture to support wetlands. The historic wetlands were fed by tidal influence, which ended in 1899 with the construction of the locks by the Bolsa Chica Gun Club. Upstream flow ended in the 1960s with construction of new neighborhoods.

Without its historic source of water, the land simply does not receive enough water to be a wetland. If left unfarmed and undeveloped, the area would become a field of weeds, not a wetland – as it has in periods when it was temporarily not farmed.

Opponents' Arguments

THE FACTS

The Parkside plan protects birds of prey and eucalyptus groves on the site. We will protect the southern eucalyptus trees with a 100-meter buffer, even though the Hearthiside Brightwater project next door has a variable buffer that is narrower in some areas and wider in others.

We are not contesting the designation of the northern eucalyptus trees (pictured) as an Environmentally Sensitive Habitat Area (ESHA); we only want the Commission to consider allowing a variable buffer like Hearthiside's – one that recognizes the existing conditions that surround this area.



Cooper's Eucalyptus, the only eucalyptus that nest in the northern eucalyptus trees, are highly acclimated to the urban environment.

Opponents' Arguments

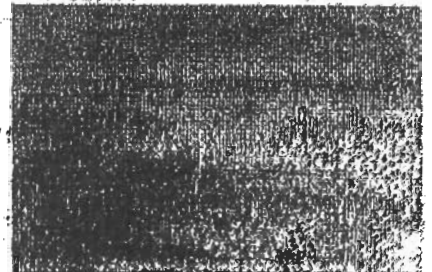
THE FACTS

To the contrary, our plan will improve area water quality. Upon approval, Shea proposes to build a freshwater wetland – a Natural Treatment System (NTS) – that will clean all of Parkside Estates' urban runoff, in addition to all the runoff from 22 acres around the Cabo del Mar condominiums, which currently flows untreated to Outer Bolsa Bay, Huntington Harbour and the ocean.

The NTS will also clean up to 30% of the dry-weather runoff from the 3,000-acre Slater watershed, providing a significant improvement of water quality in the area and helping to protect Huntington

Harbour. It also will attract and nourish birds and other wildlife.

The NTS will be a beautiful fresh water wetland like the Ballona NTS wetland, shown on the left, or the San Diego Creek NTS created by the Irvine Ranch Water District, shown on the right. Both of these NTS projects have been praised by many of the Parkside opponents.



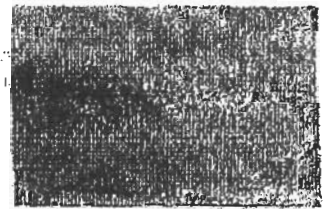
Opponents' Arguments

THE FACTS

This is not true! The Coastal Commission's staff geologist said in his staff report that flood protection from Parkside Estates is real and needed. In fact, by issuing a Conditional Letter of Map Revision (CLOMR), FEMA is obligated to issue a new flood map once the improvements are certified.

The fact of the matter is that the repair of Huntington Beach's dangerously deteriorated levees (pictured on the left and right) cannot begin until Parkside Estates is approved by the Coastal Commission, and our \$15 million in developer-funded flood control improvements are completed.

Of course, the County could repair the levees, but questions regarding the County's funding sources and timing have yet to be answered – and Parkside is ready to start the improvements as soon as the Coastal Commission approves the plan.



The area needs flood protection because water in the flood control channel often gets this high!

The Wintersburg-East Garden Grove flood channel levee along Parkside.

Comments & Allegations

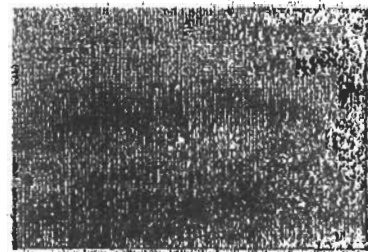
THE FACTS

The new 40-acre body of salt water (right red circle) is up to seven feet higher in elevation than homes near Parkside (left red outline).

Both the City of Huntington Beach and the County of Orange have written letters to state and federal officials raising concerns about the imminent risk of tidal flooding resulting from the Bolsa Chica restoration project. A 10-year storm combined with a high tide is sufficient to cause the tidal flooding of 800 homes in the Warner-Graham area.

Both the U.S. Fish & Wildlife Service and the National Marine Fisheries Service (managers of the Bolsa Chica restoration) have admitted that the restoration project did not turn out as they planned. As a result, there is now a massive, 40-acre salt water body in the Pocket - at a higher elevation than homes in the area.

The Coastal Commission staff has agreed that a tidal flood protection feature is necessary. Upon approval by the Coastal Commission, Parkside will build a certified tidal flood barrier that will protect homes now at risk of tidal flooding.



Old oil field road is all that's protecting neighborhoods in the Graham-Warner area.

By issuing a Conditional Letter of Map Revision, FEMA is obligated to issue a new flood map once the Parkside improvements are installed. The charge that Parkside Estate's levee work could jeopardize the south levee is ludicrous. The new levee will increase water-holding capacity in that portion of the flood control channel. The two new pumps in Slater pump station will improve flood protection on both sides of the flood control channel.

When FEMA issues its letter of map revision, homes in the yellow area of the map below would be removed from the flood plain and would become eligible for the elimination of mandatory flood insurance premiums. Homes in the blue area would be at lower flood risk and would be eligible for potentially lower flood insurance premiums.

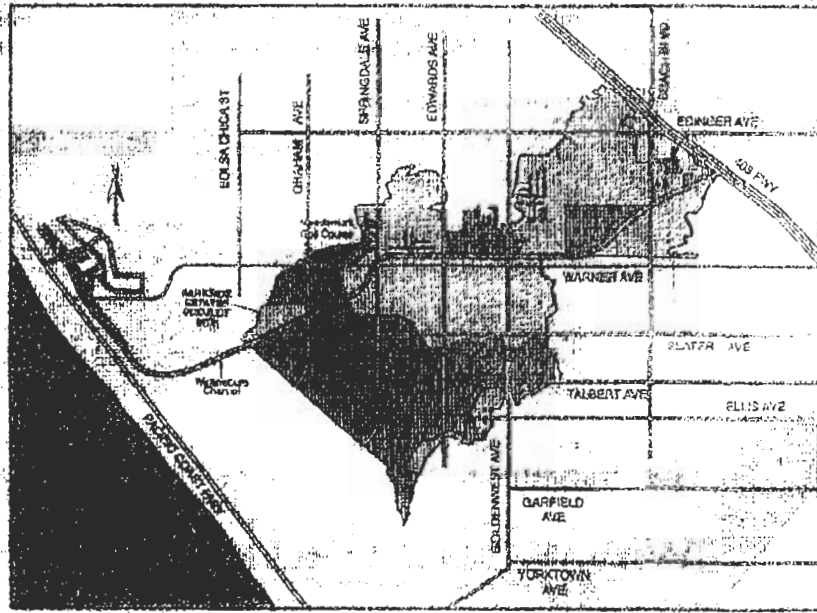


Huntington Beach flooding in 1953. Shes Homes would pay for new pumps that would help drain neighborhoods like this much more quickly.

Comments & Allegations

THE FACTS

Homes and businesses both north and south of the Wintersburg Channel will benefit from Parkside Estates' \$15 million in flood protection infrastructure improvements. Roughly half of the 7,000 homes and businesses that would be removed from the flood zone and mandatory insurance requirements are on the south side of the channel, as are most of the homes that will be eligible for lower flood insurance premiums.



Homes eligible for removal from current flood zone and mandatory flood insurance requirements

Homes in this area may be eligible for lower flood insurance premiums

Opponents' Allegations

Some opponents claim that the site is not a flood plain and that the Parkside Estates site is not a flood plain and that the surrounding neighborhoods are not a flood plain.

THE FACTS

Not true at all. The Parkside Estates site and surrounding neighborhoods in the historic flood-plain are functionally isolated from the Wintersburg flood control channel. In the event of failure of the existing levees, flooding of the surrounding neighborhoods would occur even without development of Parkside Estates, and the Coastal Commission's geologist said as much.

Because the surrounding neighborhoods near the Graham Street/Kenilworth Avenue intersections are actually at lower elevations than the Parkside site, water from a failed upstream levee would flood neighboring homes hours before it would rise enough to flood the Parkside site. That's why we are proposing to rebuild the levees, install larger storm drains and increase the efficiency of the Slater pump station, giving our neighbors greater flood protection, lower depth of flooding and faster drainage of their neighborhoods.

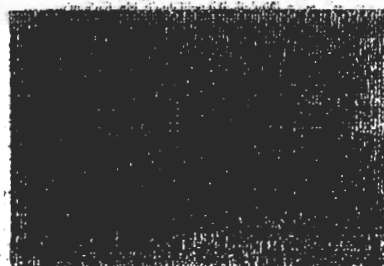
Opponents' Allegations

Some opponents claim that the site is not a flood plain and that the surrounding neighborhoods are not a flood plain.

THE FACTS

False! The opponents' plan (pictured) would breach the County flood control levee and make no provision for a certain tidal flood protection levee. They have no plans to build a large set-back levee next to the homes along Kenilworth and Graham. (This levee would cost millions of dollars and be nearly as high as the adjacent homes' second story windows.) They also have no plans to add pumping capacity to Slater pump station or build a barrier against tidal flooding, as Shea Homes will do.

And perhaps most important, without the \$15 million in storm drain, pump and levee improvements we will install, FEMA will not re-draw the Huntington Beach flood maps.



Opponents' Allegations

Some opponents claim that the site is not a flood plain and that the surrounding neighborhoods are not a flood plain.

THE FACTS

No conservation group or agency has ever presented an offer to purchase the property despite the fact that Shea Homes has provided conservation groups with financial information. Frankly, it is unlikely that public funds would be allocated for such a purchase because the area has already received millions of dollars for the Bolsa Chica land acquisition and wetlands restoration. State officials are obligated to ensure that public land acquisition funds are distributed fairly throughout the state.

Further, preservation of the site as open space will indefinitely delay the repair of levees, the installation of new storm drains and pumps, and the construction of tidal flooding protection. FEMA will not redraw the flood maps until this work is completed.

It is unlikely the state would spend more on open space conservation in the area since the restoration of Bolsa Chica has already received state funding.

PARKSIDE ESTATES

For more information, or to view larger pictures, please visit:

www.SheaParkside.com

Dear California Coastal Commission:

May 2007

Re: City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside).

- ♦ The 50-acre Shea (nee MWD) property in Huntington Beach is severely degraded wetlands (DFG, 1980). 25 years later, that is still true.
- ♦ Due to all the illegal grading on the property, the full extent of wetlands that need to be preserved and buffered has not yet been definitively established.
- ♦ All wetlands on the property must be protected by true buffers-- buffers that are undiminished and unimpeded by any NTS or passive recreation or similar human disturbance.
- ♦ In 1981, the City of HB requested residential zoning for this parcel. CCC staff recommended at the time that "The 'Residential' designation shall be deleted." The CCC did not approve of houses then; it should reject houses now!
- ♦ Uphold the Coastal Act section 30233. Deny the LCPA.

Sincerely:

David & Marsha Carthey

Address:

19795 Deep Harbor Dr.
Huntington Beach, CA 92648

1,000+ copies
received

21 copies
received
since the
May 2007 Hearing

and the wide open space for
creation and especially the ones that
have been lost.

San Diego, CA

Ellen Riley

2 Dicks Ave
Huntington Beach, CA 92648

W 8.3a

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

JUL 5 2007

FAX: 562-590-5084

CALIFORNIA
COASTAL COMMISSION


To Whom It May Concern:

We support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

We strongly support maintaining the open space and wetlands as a home for the various and myriad animals, birds, and plant life that currently exist therein. Destroying this valuable habitat is a short-sighted and irreversible mistake that can never be reversed.

Thank you for your time and effort in considering this very important request.

Respectfully,



Lenny Munari & Sharon R. Sikora
17442 Hillgate Ln
Huntington Beach, CA 92649

W8.5a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000 (10th floor)
Long Beach, CA 90802-4416
Fax: 562-590-5084

7/3/2007

RECEIVED
South Coast

JUL 5 2007

Ref: CCC report W8.5a-7-2007 070629.pdf

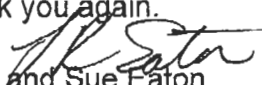
CALIFORNIA
COASTAL COMMISSION

Subject: Support of CCC report W8.5a-7-2007 070629

As a further clarification to my previous letter, I wish to state that my wife and I support the staff recommendation regarding Huntington Beach LCP Amendment 1-06. However, we feel that the IP Amendment should be denied as submitted, and that the LUP and IP Amendments be approved as modified by your staff in their June 29, 2007 report (Ref. Above).

Again, as I have stated before, I truly appreciate the thorough and detailed work that the staff has done and I continue to support your recommendations to the CCC. It is reassuring to see that there are still some that care about the public at large rather than totally focused on self objectives, desires, etc.

Thank you again.


Larry and Sue Eaton
5332 Kenilworth Dr
Huntington Beach 92649

Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

JUL 5 2007

Dear Meg Vaughn,

Please support the staff recommendation regarding the Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

I would like to respectfully encourage, *at this very late date*, to deny the proposal for DELAY, as put forth by Scott Hess on behalf of PARKSIDE/SHEA HOMES.

I respectfully request that you make the decision to go forward with the July 11 hearing as scheduled.

I would also urge the Planning Department and Shea Homes to stop fostering fear under the guise of another "Katrina". It is totally disrespectful to those who suffered through this disaster and it is a slap in the face to the city of New Orleans.

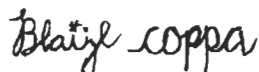
The flood control channel WILL be fixed. We do not need to 'sell out' to developers with deep pockets bribing the city and preying on our resident's fears. We can take care of our own infrastructure problems and that is what we should be doing. Flood Control problems can, and should, be resolved by the City and for the City.

A tract of new homes is not worth interrupting the Pacific Flyway. This parcel of WETLAND is a much needed rest stop after losing 95% of our wetlands along the California Coast. Does the city of Huntington

extinct because there is no place to stop and rest and feed and breed?! Some species are more fragile than others and need the stops they have adapted to.

I would also like to acknowledge the fact that dormant toads, frogs and fairy shrimp will be paved over and become a past memory of those who remember their beautiful and melodic music. (Well fairy shrimp don't croak or sing, but you know what I mean.) My family has witnessed this miracle first hand; we have it recorded on DVD. However, do we want a DVD to be the only way for people to enjoy and experience the miracle of nature that is in our city?

Sincerely,



Blaize Coppa

"W 0.5a"

California Coastal Commission

July 4, 2007

Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

JUL 5 2007

Dear Meg Vaughn,

CALIFORNIA
COASTAL COMMISSION

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of our own infrastructure problems and that is what we should be doing. Flood Control problems can, and should, be resolved by the City and for the City.

As for the hundreds of Realtors who signed in support of Shea Homes, shame on them, their willingness to jump on the fear band wagon as a tactic for the outcome they desire is deplorable. A few Shea homes to be sold is not worth the 'lottery ticket' which they are imagining. I can only imagine that if NAR (National Association of Realtors®) knew the extent of their selling out, they would be reprimanded for not representing Realtors® in a favorable light.

I would like to further remind the city, and our resident's, that the city of Huntington Beach CANNOT be bought, and we shouldn't be misled by false information.

A tract of new homes is not worth interrupting the Pacific Flyway. This

the July 11 hearing as scheduled.

A tract of new homes is not worth interrupting the Pacific Flyway. This parcel of WETLAND is a much needed rest stop after losing 95% of our wetlands along the California Coast. Does the city of Huntington Beach want to be responsible for any species of bird to become extinct because there is no place to stop and rest and feed and breed?! Some species are more fragile than others and need the stops they have adapted to.

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Sincerely,

Ryker Coppa
Ryker Coppa

"W 8.5a"

California Coastal Commission

Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Meg Vaughn,

July 4, 2007
RECEIVED
South Coast Region

JUL 5 2007

CALIFORNIA
COASTAL COMMISSION

Please support the staff recommendation regarding the Huntington Beach LCP Amendment 1-06. The IP Amendment should be denied as submitted, and the LUP and IP Amendments be approved as modified by staff in their June 29, 2007 report.

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Kristen Coppa
Kristen Coppa

Fax Transmittal

California Coastal Commission

July 4, 2007

Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

From: Ryker Coppa 714. 840. 1833

Subject: **"W 8.5a"**

===== 2 pages including cover =====

"W 8.5a"

California Coastal Commission July 4, 2007
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Meg Vaughn

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I respectfully request that you make the decision to go forward with the July 11 hearing as scheduled.

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I would also like to acknowledge the fact that dormant toads, frogs and fairy shrimp will be paved over and become a past memory of those who remember their beautiful and melodic music. (Well fairy shrimp don't croak or sing, but you know what I mean.) My family has witnessed this miracle first hand; we have it recorded on DVD. However, do we want a DVD to be the only way for people to enjoy and experience the miracle of nature that is in our city?

Again, I respectfully request that you make the decision to go forward with the July 11 hearing as scheduled.

Sincerely,



Joe Coppa