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MS. MEG VAUGHN
CALIFORNIA COASTAL COMMISSION
C/O 22892 MILL CREEK DRIVE
LAGUNA HILLS, CA 92653-9918

Dear Ms. Vaughn:
RE: LCPA and CDP for Huntington Beach and Parkside Estates

I am familiar with the Shea Homes Parkside Estates project and strongly encourage the Coastal Commission's approval of Local Coastal Program Amendment 02-02, as proposed by the City of Huntington Beach and Shea Homes, and a Coastal Development Permit for the Parkside Estates project based on the plan. The plan protects wetlands and Environmentally Sensitive Habitat Areas, improves water quality by treating currently untreated runoff, and will lead to much-needed improvements to the local flood control system, which would reduce flood risk in my neighborhood.

Signature: [signature]
Name: Tom Y. Ching
Address: 18362 Oxford Ln
Huntington Beach, CA 92648

ORANGE COUNTY
ASSOCIATION OF REALTORS®

A Step Ahead

October 11, 2006

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802

Subject: Parkside Estates

Dear Ms. Vaughn:

The following members of the Orange County Association of REALTORS® do hereby support the Shea Homes' proposed Parkside Estates Project in Huntington Beach, California:

Laguna Hills Office:
25552 La Paz Road
Laguna Hills, CA 92653
949-586-6800
fax 949-586-0382
www.ocar.org

Huntington Beach Office:
8071 Slater Boulevard, Ste. 240
Huntington Beach, CA 92647
714-375-9313
fax 714-375-9322
www.ocar.org

Shane Schultz	[illegible]
Steven M. Herron	[illegible]
[illegible]	
Dan Lloyd	andreeadiliescu@firstteam.com
T. Corbett	
Frank Rossiello	
Noelle Hipke	
Shirley C Long	
[illegible]	
[illegible]	

Meg Vaughn

From: Dawn Retzlaff [retzy63@yahoo.com]
Sent: Saturday, February 10, 2007 6:47 PM
To: Meg Vaughn
Subject: Huntington Beach Parkside LCPA: Approval requested

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 and Coastal Development permit, as proposed by the City of Huntington Beach and Shea Homes. 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 also would like to draw your attention to the enhanced public access to coastal areas and new parks that will be provided by the plan. 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.

In addition, the plan will protect and expand wetland resources and Environmentally Sensitive Habitat Areas; it includes water quality improvements that will treat a portion of the runoff from the surrounding 3,000-acre watershed - that currently reaches the ocean untreated; and it will lead to $15 million in developer-funded improvements to the local flood control system, which would reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach residents and businesses.

Sincerely,

Dawn Retzlaff
Huntington Beach

14 copies received

50

Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647
Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

Agenda Item **Th-22a**

February 11, 2007
Mr. Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

RE: Item Th 22a - Major Amendment Request No. 1-06 to the City of Huntington Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the February 15, 2007 meeting in San Diego).

Dear Mr. Kruer and Members of the Commission:

Amigos de Bolsa Chica, a non-profit, grassroots organization of 1,000 members located in Huntington Beach, California, has had a thirty one year history of providing recommendations to the California Coastal Commission for the best possible protection of the coastal wetland and upland resources of the Bolsa Chica. We fully support the Commission staff's recommendation for the denial of HNB-MAJ-1-06 as submitted, as well as staff's proposals for approving these items with specific modifications. While we agree with the proposed modifications, Amigos wishes to voice some concerns regarding the proposed modifications for Wetlands and ESHAs that would improve the quality of both habitat for wildlife ***and*** any possible development. These concerns are detailed below.

WETLANDS

Amigos de Bolsa Chica supports the staff recognition of the wetland areas denoted as CP, AP, and WP, and the recommendation for 100 foot buffers for these wetlands. However, as outlined in Exhibit L, we believe there is additional wetland coverage on the subject property as shown by ponding and vegetation evidence collected by Mark Bixby and by Drs. Lyndon Lee and Peggy Fiedler, and the written analyses conducted by biologist Julie Fontaine. In their memo of December 14, 2006, Drs. Lee and Fiedler state that wetland delineations done to date underestimate the extent of CCC jurisdictional wetlands on the site. For example, they have found evidence of hydric soils in some places not currently

site. For example, they have found evidence of hydric soils in some places not currently recognized by the CCC as wetlands. Consequently they recommend that there be further studies with the proper resources to confirm their findings.

The landowner has proposed that the area known as the WP wetland should be eliminated and mitigated at the westerly area of the project site to create a larger, consolidated wetland. We argue that the WP site can still provide habitat resources for wildlife and should not be removed.

The existence and size of WP brings up the issue of fill operations that have occurred in the WP that were not permitted. As noted in Footnote 2 of the current staff report: ". . . recently a box plough was used to fill area WP, which is apparent in 2006 topographic maps. Accordingly, relying on the topography prior to the alleged violation yields the appropriate comparison." Certainly until these allegations are thoroughly investigated, the true nature of the WP wetland cannot be determined.

It has been observed that other portions of the property have been subjected to fill without a permit. Mr. Mark Bixby in his letter to the CCC dated February 1, 2007 noted that the southwest portion of the property has been the site of fills without permits for at least a decade. It is the Commission's position that any resources destroyed without valid permits are considered as if those resources still existed. Thus the fill of WP and the fill in the southwestern area – both without permits – in addition to the ponding, soil and vegetation data collected by Bixby and Drs. Lee and Fielder, all suggest that AP, CP, and WP constitute wetlands and clearly warrant protection under the Coastal Act

ESHAs

Section 30107.5 of the Coastal Act reads: "'Environmentally sensitive area' means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." In addition, Section 30240 (a) of the Coastal Act states in part: "Environmentally Sensitive Habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas."

Amigos de Bolsa Chica supports the staff position that both the north and south Eucalyptus groves constitute ESHAs that are used by numerous raptor species, and also supports the proposed 100 meter buffer for the ESHAs. Amigos' also highly recommends that the two ESHA buffer zones that are separated by a 25-50 foot gap (Exhibit L) should be merged. Birds and other wildlife regularly pass between groves. Their movement should not be disturbed by human activities within the gap. As raptor expert Peter H. Bloom stated in his report to the Bolsa Chica Land Trust of June 8, 2006: "Maintaining ecosystem integrity of the Eucalyptus ESHA remains an important attribute for maintaining the remnant local raptor ecosystem component, present and future contributions to the regional raptor population and migration corridor, and to support prey components that contribute to a functional ecosystem."

Amigos de Bolsa Chica also fully supports Dr. Dixon's memo of January 31, 2007 (Exhibit Z), which states that passive recreational uses "... could be allowed in the outer one-third of the ESHA but should be located in the 10 meters closest to development where feasible." We ask that this clarifying language replace the current erroneous text ("within the outer 100 /meters/ only") in Open Space Conservation item #B-5 on page 15 of the staff report when the report is presented at the public hearing.

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. Amigos de Bolsa Chica also supports the staff recommendations for 100ft wetland buffers and 100m ESHA buffers. We do respectfully request that the Commission review and amend the proposals for the Wetlands and ESHA aspects of the LUP and IP as identified in this letter.

Sincerely,
Thomas Anderson

President, Amigos de Bolsa Chica

cc: Ms. Meg Vaughn
Dr. John Dixon

Th 22a

SANDRA GENIS, PLANNING RESOURCES
1586 MYRTLEWOOD COSTA MESA, CA. PHONE/FAX (714) 754-0814

February 12, 2007

RECEIVED
South Coast Region
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COASTAL COMMISSION

Honorable Chairman Patrick Kruer and Members of the Coastal Commission
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

Subject: Item TH 22. a. **City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside)** (Thursday, February 15, 2007)

Dear Chairman Kruer and Commissioners:

Thank you for the opportunity to address the proposed Major Amendment No. 1-06 to the City of Huntington Beach Local Coastal Program I urge you to deny the requested amendment as recommended by staff and approve only as modified. This would include those modifications recommended by staff as well as further modifications to be consistent with Coastal Act requirement for protection of wetlands and Environmentally Sensitive Habitat Areas (ESHA) as discussed below. By way of background, I am a member of the board of the Bolsa Chica Land Trust and a professional land planner with twenty five years experience.

The full extent of all wetlands on the subject property must be accurately mapped.

Costal Commission staff has quite properly recognized the existence of three wetlands on the property, the Agricultural Pond (AP), the Wintersburg Pond (WP), and the County parcel wetland (CP). At the same time, evidence of hydric soils, wetland vegetation, and continuous ponding, submitted previously by other parties, including Dr. Lyndon Lee, Dr. Peggy Fiedler, and Mr. Mark Bixby, indicate that on-site wetlands cover a significantly greater area than mapped by Commission staff.

Unfortunately, due to site access limitations imposed by the applicant, Drs. Lee and Fiedler were unable to complete precise mapping of wetland boundaries. However, their investigations clearly indicated the existence of hydric soils outside of those areas previously mapped as wetlands as a part of this application. How the Commission ensure preservation of wetlands, consistent with the mandate of Coastal Act Section 30231, if the wetland boundaries are not accurately and precisely delineated? It is imperative that the Commission refrain from approving of any project which would impinge into any area for which credible evidence of wetlands has been submitted until accurate and precise delineation, based on a thorough observation, is completed.

It is noted that some of the responses to evidence submitted regarding hydric soils seem to focus instead on vegetation. Consistent with C.C.R. Sec. 13577(b)(1), any one of the three wetlands indicators, i.e. soils, vegetation, or water, is sufficient to establish the existence of wetlands

subject to Coastal Act protection. Thus, the significance of hydric soils cannot be dismissed by focusing on vegetation.

All wetlands on the site must be preserved.

The construction of housing is not an allowable use within wetlands in accordance with Coastal Act Sec. 30233. Even if housing were an allowable use in wetlands, allowable uses are permitted only where no feasible less environmentally damaging alternative exists. In this case, avoidance is clearly the least damaging.

It has been suggested that wetlands on the site could be relocated, as if habitat could be re-arranged as easily as one's dining room chairs. It has even been suggested, as if establishing the long term productivity of man-made wetlands were not notoriously difficult, that re-arranging the wetlands could be an improvement. . To quote the Fourth District Appellate Court in *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal. App. 4th 493, this "reasoning ... is seductive but, in the end, unpersuasive".

As noted by the court, the Coastal Act does not allow "a process by which the habitat values of an ESHA can be isolated and then recreated in another location ... the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development". Thus, wetlands must be preserved in situ. Preservation requires the provision of adequate buffers.

All ESHA on the site must be recognized and preserved.

As stated in Costal Act Section 30107.5:

> Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments

Rare and especially valuable biota on the subject property include, but are not limited to, numerous raptors utilizing on-site eucalyptus, Southern Tarplant, California Gnatcatcher, and Wandering Skipper Butterfly. Habitat for these species must be mapped and preserved.

All ESHA, including wetlands, must be adequately buffered

Key to preserving habitat is protection of the habitat from human disturbance. Thus, buffers must not be subject to activities contrary to the purposes of the buffer. This is consistent with staff's recommendation that no activities be allowed in the first ninety meters of buffer area. I urge the Commission to adopt the 100 meter buffer recommended by staff. Not only is this necessary to prevent habitat disruption for the on-site ESHA, provision of adequate upland forage area is critical as a means of reducing predation on sensitive species in the Bolsa Chica Preserve.

The provision of treatment wetlands in a buffer area could lead to disruption of habitat values both due to maintenance activities. In addition, the treatment wetlands are designed to retain pollutants from urban runoff, including petroleum residues, landscape chemicals and heavy metals. It would be inadvisable to create a situation whereby such materials could accumulate in an area designed to protect habitat, especially if that area were to be used for forage by higher level predators such as raptors.

Conclusion

I urge the Commission to deny City of Huntington Beach Major LCP Amendment No. 1-06 as submitted. I further request that the Commission to deny the plan even as modified, and defer approval of any plan until additional, independent analyses of resources are completed and adequate protections for wetland areas and ESHA are provided.

Yours truly,

Sandra L. Genis

56

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COASTAL COMMISSION

2/15/07, Th22a
Julie Bixby

February 10, 2007

California Coastal Commission
c/o Meg Vaughn
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

RE: Item Th 22a - City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside).

Dear Chariman Kruer and Members of the Commission:

I wish to address the following statement made by the landowner in their brochure sent to Huntington Beach residents this week: "Shea Homes' plan will protect and enhance all natural wetlands on the site, as well as the eucalyptus groves that are home to many local birds of prey." If this is really true, then why are they proposing minor 100 foot buffers for the ESHAs and doing away with the natural WP wetland altogether? I say, hold them to their promises and uphold the Coastal Act!

Section 30250 of the Coastal Act states, in pertinent part:
(a) New residential ... development ... shall be located ... where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

I am gratified to see that CCC staff is proposing 100 meter buffers for the two Eucalyptus groves on site. It is unfortunate that the groves are spaced in such a way that the 100m distance for each does not automatically conjoin the buffers into a single, continuous protective zone for wildlife and habitat. To have the two buffers separated by roughly 50 feet is like forcing wildlife to cross the street without providing an overpass or underpass to get to the other side. While it is highly unlikely a house would be situated within those 50 feet, leaving the area unprotected and vulnerable to human disturbance does not make sense in the overall context of the proposed development and its cumulative impacts.

The Commission addressed this issue in 2002 in its staff report for the Marblehead development (application #5-01-459) in San Clemente. That report reads:

> "Presently, these and other wildlife have potential use of the entire 201 acre site. The proposed development would narrow this use area to approximately 87 acres. In addition to narrowing the area usable by wildlife, the project would significantly intensify use of the site from an open space area with low levels of human activity to...high levels of human activity. This change in intensity of use of the site will introduce significant vectors of disturbance for wildlife. Impacts from the loss of habitat linkages due to physical impediments (e.g. houses, fences and roads), noise, light, domestic animals, and other human activity will intensify at the site. Measurers to ensure the development does not have a significant individual or cumulative adverse impact on coastal

> resources would include maximizing the quantity of open space provided on the site and improving the quality and function of the wildlife habitat that will remain on the site."

Furthermore, Coastal Act section 30007.5 states: *The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.* In order to be "most protective" of resources, and to "improve the quality and function of the wildlife habitat that will remain on the site" as noted above, the two ESHA buffers must be joined into one contiguous buffer area.

I also wish to address the issue of the Wintersburg Pond "WP" wetland that the landowner proposes to eliminate in their January 23, 2007 letter (staff report Exhibit R):

> "...our team's biologists do not feel it would result in a wetland area as viable as could be established if the WP were eliminated and mitigated at the westerly area of the project site to create a larger, consolidated wetland..."

Coincidentally, the Marblehead staff report of 2002 addresses this issue as well:

> "A recent Court of Appeal decision [Bolsa Chica Land Trust v. Superior Court, 71 Cal. App. 4th 493, 83 Cal Rptr. 2d 850 (1999)] speaks to the issue of mitigating the removal of ESHA through development by 'creating' new habitat areas elsewhere....In the decision, the Court held the following: 'The Coastal Act does not permit destruction of an environmentally sensitive habitat area [ESHA] simply because the destruction is mitigated offsite....Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statue do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development.'" (underline added for emphasis)

It is inconvenient for WP to exist as it interferes with the landowner's plans. Thus it was no surprise that within days of the CCC recognizing WP as wetlands, the landowner's lease-holder graded a section of it without CCC approval. Illegal grading activity has happened at least twice before with this property, and both of those times the CCC took enforcement action. It is truly baffling that the WP unpermitted activity remains "under investigation" more than a year after it occurred, particularly given the past history of violations at this site. When you combine the court decision with the illegal grading, it is clear that 1) WP must remain where it is, 2) it must be restored to undo the damage, and 3) there must be a 100 foot buffer placed around the restored WP.

Lastly, I wish to reiterate something I pointed out in my August 31, 2006 letter to the CCC: "Shea Homes bought a piece of land that *the Commission long ago identified as a wetland.*" This is referring to the CCC's own LCP Post-Certification Map

2/15/07, Th22a
Julie Bixby

(http://www.coastal.ca.gov/lcp/lcpstatus-map-sc.pdf, also attached) which, to this day, refers to the subject property as "MWD wetland", not "MWD site" as stated in the current staff report. The LCP map makers could very well have used the term "site" and not "wetland." But they didn't. Food for thought.

Please make the landowner keep their "protect and enhance" promises and ensure full compliance with the Coastal Act. Thank you.

Sincerely,

Julie Bixby

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

Enclosure

J. BIXBY attachment

LCP Status
South Coast Area
As of January 1, 2007

Legend

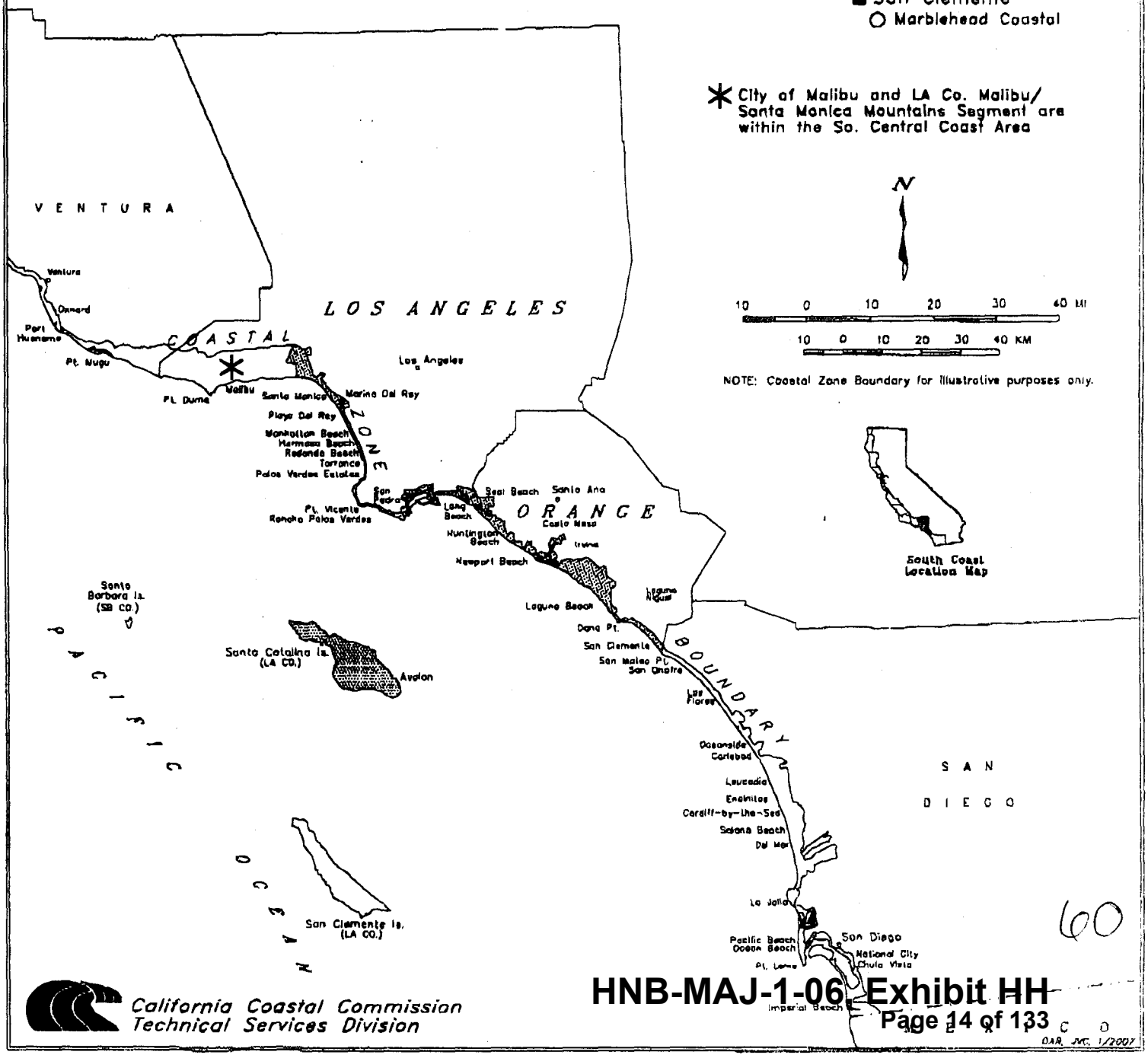
- County LCP Effectively Certified
- City LCP Effectively Certified
- City LUP Effectively Certified
- No LCP/LUP Effectively Certified
- Area of Deferred Certification

Los Angeles County
(2 of 4 segments)

- Los Angeles
- Santa Monica
  - Beach
  - Civic Center
- El Segundo
- Manhattan Beach
- Hermosa Beach
- Redondo Beach (1 of 2 segments)
  - Edison Easement
- Torrance
- Palos Verdes Estates
- Rancho Palos Verdes
- Long Beach
  - Cerritos Wetlands
- Avalon

Orange County
(4 of 7 segments)

- Seal Beach
- Huntington Beach
  - MWD Wetland
- Costa Mesa
- Newport Beach
- Irvine
- Laguna Beach
  - Irvine Cove
  - Hobo Canyon
  - Blue Lagoon
  - Three Arch Bay
- Laguna Niguel
- Aliso Viejo
- Dana Point
  - Dana Strands
- San Clemente
  - Marblehead Coastal



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California Coastal Commission
Technical Services Division

OAR_MC_1/2007

From: Don Krotee [dkrotee@krotee.com]
Sent: Tuesday, February 13, 2007 10:46 AM
To: ablemker@coastal.ca.gov; Karl Schwing; Teresa Henry; Deborah Lee
Subject: recommend denial of the project 1-106 HB amendment of its Local Coastal Plan

Coastal Commission:
I respectfully understand the SUGGESTIONS FOR SUBMISSION OF WRITTEN MATERIALS shown on your web site and know this is a little late however, I want to provide the firmest and most fervent support for staffs denial of the subject project. Please add me to the growing list of those regionally interested in this important wetland. We further support the letter recommending denial as stated in Mr... Gerald Chapman's letter of 2-8-07.

Donald Krotee AIA

Don Krotee
Donald Krotee Partnership, Inc.
515 North Main Street, Suite 200
Santa Ana, CA 92701-4619
Voice: 714/547-7621
Fax: 714/647-0193
dkrotee@krotee.com

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Don Krotee, President
Newport Heights Improvement Association
www.newportheights.org
don@newportheights.org

Dear Commissioners:
Here are some Letters to the Editor written to the Huntington Beach *Independent* regarding the proposed Shea Parkside project. Many residents are strongly opposed to the project.
Marinka Horack, 21742 Fairlane Cr., Huntington Beach, CA 92646

The Wave | Thursday, Jan. 25, 2007

LETTERS TO THE EDITOR

RECEIVED
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COASTAL COMMISSION

SHEA DEVELOPMENT WILL CHANGE FLOOD INSURANCE REQUIREMENTS

Whether I agree with Mr. (Bill) Borden or not — and I do not — he does have some errors in his Jan. 18 commentary. The plot of land he discussed in his development article is on Graham Street not Gothard Street (you cannot see the wetlands or ocean from Gothard due to development).

Another error is that the new development their will change flood insurance requirements on adjacent existing homes in a positive way. That requirement for flood insurance is based on the survey of the existing property and is predicated on the slab versus other geological factors .

Anyway are you getting a kick back from developers, Bill?

— **Drew Kovacs**

DEVELOPERS MAKE MONEY; RESIDENTS PAY THE PRICE

I guess I am going to be one of them. I don't worry about the wetlands, birds, flood insurance, etc. What does concern me is the increased traffic that these additional homes will cause.

A total of 170 homes means a minimum of 340 more cars on the road and more for some families with kids.

There are certain days in the week and certain times of the day when I won't venture out into the crush. And we allow it to get worse just to keep the developers happy. They continue to make money and we pay the price. Let's not clog up the streets any more and let the developers win.

— **Jan Ferry**

SHEA HOMES WILL HAVE NEGATIVE IMPACT

I write to express disapproval for the promotional comments about the housing development happening on the Bolsa Chica mesa area. I believe the addition of these homes will add congestion and pollution to an already overburdened city. I feel it is criminal to use up any more open spaces in this way without consideration of the impact on those who live here.

— **June Nye**

PARKSIDE NOT A FINE ADDITION TO CITY

I strongly disagree with Bill Borden's comment that Shea Parkside development would make a fine addition to the city. The Shea Parkside housing tract will not make a fine addition to the upper Bolsa Chica wetlands.

The entire parcel is part of the Bolsa Chica wetlands system, despite Shea's ongoing efforts and tactics to convert it to something else.

In addition to the presence of ponding and wetland plant species, which have been well-documented on the site, the fact that the subject parcel is one to two feet below sea level and requires over excavation, dewatering, and 260,000-plus cubic yards of imported fill material (approximately 13,000 truck trips) to make it suitable for building should provide evidence enough that the site is a wetland and not suited for residential development.

Allowing Shea to drain, fill, and construct houses on the parcel will destroy habitat for endangered wildlife and plant species, which have been well-documented on the site, increase the surrounding neighborhoods' vulnerability to flooding, increase traffic volumes on Graham Street, and eliminate scarce open space and yet another vital productive ecosystem from our coastal area.

Bill Borden is wrong, Shea Parkside would not make a fine addition to the city.

— **Sara Mathis**

Dear Commissioners:
Here are some Letters to the Editor written to the Huntington Beach *Independent* regarding the proposed Shea Parkside project. Many residents are strongly opposed to the project.
Marinka Horack, 21742 Fairlane Cr., Huntington Beach, CA 92646

LETTERS TO THE EDITOR

SHEA DEVELOPMENT WOULD IMPACT TRAFFIC

Having read Bill Borden's column for many years, I had always assumed (which one should never do) that he checked his facts and accurately reported them! However, his Jan. 18 column left me sadly disappointed.

If you were leaving Meadowlark Drive and going home on Gothard Street, you were no where near the area where Shea Homes is proposing their development.

First of all, the west side of Gothard between Warner and Slater avenues is currently filled with Ocean View High School, a trailer park and homes! I believe the street he was referring to is Graham Street and the area is where there is currently a farmer's field and where Smokey's Stables resided for many years.

Giving him the benefit of doubt, both streets do start with the letter "G".

It is my belief that the "small" 170 home development that Shea Homes is proposing would greatly impact this area where we have lived since 1964. We have been told that there would be one entrance and exit to the tract from Graham Street, and this would be the only access to the tract.

This amount of traffic would greatly impact the area, which is only residential, not mixed with business (as Bill Borden stated). Graham is one of the main streets for accessing Marine View Middle School. During the starting and closing hours of the school day, the street is very busy with traffic, both vehicular and pedestrian. During those times, it is virtually impossible to exit from our tract onto Graham. Additionally, the starting time of school would also be the time of day when most people are leaving for work, and the impact of the additional traffic would be horrendous!

There is currently a four-way stop sign at Glenstone Drive and Graham, which was deemed the "safest" thing to do, after the city did traffic studies in answer to our pleadings for a signal years ago! To imagine cars from 170 new homes coming out onto that thoroughfare is horrific! To my mind, it is a multitude of accidents waiting to happen.

— **Linda Zone**
Huntington Beach

BORDEN, SHEA CLAIMS DON'T HOLD WATER

"Build-it" Bill Borden spews the developer's spiel in his column of Jan. 18. Forgive the pun, but none of their claims hold water. Borden and Shea Homes claim:

- "If this development is approved, it will enhance wetlands." Well guess what? If the development is denied, the wetlands can still be enhanced — you certainly don't need houses on the property to do that!
- "It will prevent tidal flooding." Sorry to burst your egos, but no amount of human effort can prevent tidal flooding when Mother Nature sets her mind to it (or have they forgotten already about New Orleans?).
- "It will reduce the flood insurance for thousands of homeowners". Actually, the houses won't do that, its other infrastructure improvements Shea proposes to do that will accomplish that. And believe it or not, it is possible to make infrastructure improvements without building houses.
- But the real head-shaker is the claim that birds of prey "will be safe in the eucalyptus groves protected and enhanced by the development." Shea wants to allow people (and their dogs) within a buffer zone around the grove. How in the world is encroaching upon the space that is supposed to separate birds from people "protecting" the birds? That just isn't logical.

The Parkside project "passed muster" with the city on a slim 4-3 vote. Hardly an enthusiastic show of support. To learn more about why the vote was far from unanimous, visit **www.bixby.org/parkside**.

— **Julie Bixby**
Huntington Beach

Marinka Horack
21742 Fairlane Circle
Huntington Beach, CA 92646

RECEIVED
South Coast Region
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

February 9, 2007

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

RE: Th-22A, Proposed Shea Parkside Project in Huntington Beach

Dear Commissioners:

As a Californian and an Orange County resident for 57 years, I write to strongly support the preservation what is little is left of the Bolsa Chica Wetlands. 95% of our coastal wetlands have been destroyed by the development boom of the last century. There is no room for "compromise" with the 5% remaining wetlands.

Historical photos and records show that Bolsa Chica was a vast and rich wetlands that included much of the lowland area of what today is west Huntington Beach. There is absolutely no doubt that historically, the Parkside area was part of the Bolsa Chica wetlands. Today attempts have been made to erase the evidence of this wetland by plowing it up and farming it. Despite the farming, the water ponds up in the winter, wetlands plants grow in large numbers, and multitudes of wetlands birds visit the area.

I support your staff's recommendation to deny HNB-MAJ-1-06 as submitted.
I ask the Commission to review and amend the proposals for wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.
I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.
I ask that any Natural Treatment System (NTS) be constructed outside of the ESHA buffers.

Sincerely Yours for a Better California,

Marinka Horack

Marinka Horack

-----Original Message-----
From: Meg Caldwell [mailto:megc@stanford.edu]
Sent: Saturday, February 10, 2007 12:20 PM
To: Sherilyn Sarb
Subject: Fwd: CCC Item #Th22a, HNB-MAJ-1-06 Re Bolsa Chica

X-Sieve: CMU Sieve 2.3
Delivered-To: megc@stanford.edu
DomainKey-Signature: a=rsa-sha1; q=dns; c=nofws;
s=dk20050327; d=earthlink.net;
b=jdVoinbsDsCzVm6vLmaFsVMvskUFrSedbM5bIxdKiGccSMWZawHJezEmQYNLe+Rq;
h=Received:Message-ID:From:To:Cc:Subject:Date:MIME-Version:Content-Type:X-Priority:X-MSMail-Priority:X-Mailer:X-MimeOLE:X-ELNK-Trace:X-Originating-IP;
From: "Marty" <goelver@earthlink.net>
To: <pkruer@monarchgroup.com>
Cc: <megcoastal@law.stanford.edu>
Subject: CCC Item #Th22a, HNB-MAJ-1-06 Re Bolsa Chica
Date: Sat, 10 Feb 2007 11:22:27 -0800
X-Mailer: Microsoft Outlook Express 6.00.2900.3028
X-ELNK-Trace:
318142dfa49bc9b2d780f4a490ca69563f9fea00a6dd62bc20689b7270998e0062889afb6ed9d4f7350badd9bab72f9c350b
X-Originating-IP: 24.136.65.103
X-MIMETrack: Itemize by SMTP Server on lawmail1/stanford(Release 5.0.12 |February 13, 2003) at
02/10/2007 11:22:32 AM,
Serialize by Router on lawmail1/stanford(Release 5.0.12 |February 13, 2003) at
02/10/2007 11:22:33 AM,
Serialize complete at 02/10/2007 11:22:33 AM

I note that the CCC is considering (at Feb 15, 2007 meeting in San Diego) a change in permitted use of 50 acres of open space wetland into low density residential.

I object to reducing protections and open space areas (wetland or not) associated with the Bolsa Chica, please do not approve any action that may impact the area in this manner.

Martin Golden
Huntington Beach, CA

PS - I suggest that the CCC web site be designed to more efficiently receive public comments re CCC activities and actions

Meg Caldwell, J.D.
Senior Lecturer and Director,
Environmental and Natural Resources Law and Policy Program

February 12, 2007

"Th-22a"

RECEIVED
South Coast Region
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

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

Re: Shea Parkside Estates

Dear Ms. Vaughn:

I am writing in regard to the upcoming hearing for the above referenced project. I will not be abler to attend the hearing due to a conflicting business commitment but wanted to respond. I live on Kenilworth Drive which abuts the subject property. While we have opposed the project, as submitted, for a variety of reasons but I would like to make the following points relative to the subject hearing.

1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

5) The attached mailer from Shea Homes states that:

"Low-lying neighborhoods near the intersection of Warner Avenue and Graham St. became much more at risk to tidal flooding last summer when the Bolsa Chica restoration project connected Outer Bolsa Bay to an area previously protected by levies."

This alone should render the previously completed EIR obsolete as the environment around the subject parcel has been permanently altered.

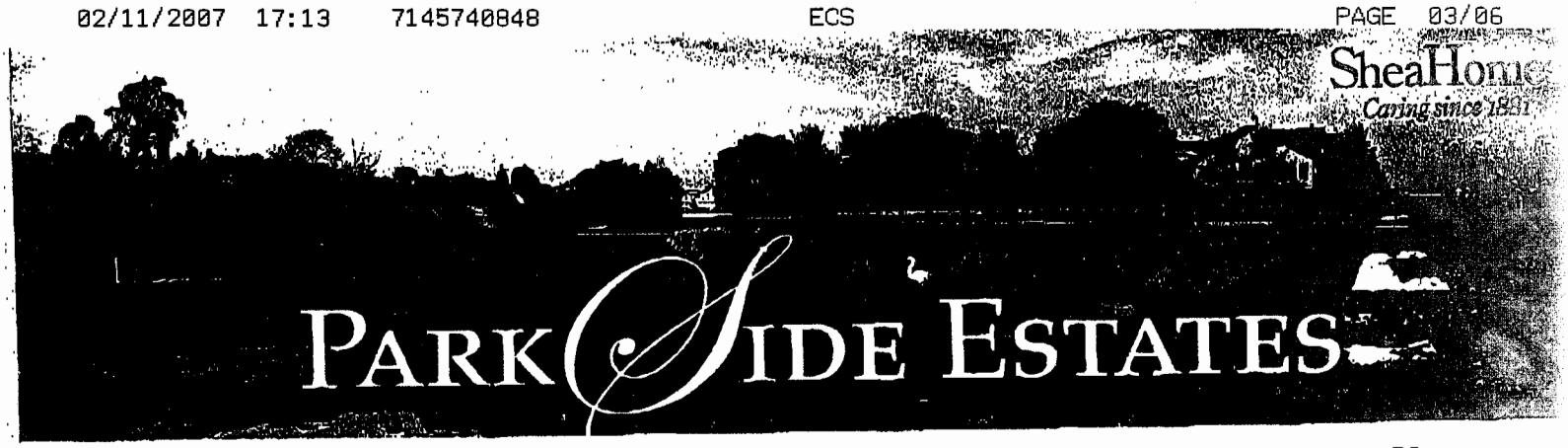
6) We believe that the requirement to fill the site with up to 11 feet of fill will create unstable pockets especially in the areas around the two designated wetlands areas (AP & WP).

7) The proposed dewatering plan has not been analyzed or thought through and in addition to potentially causing subsidence under the adjacent properties will certainly have an adverse effect on both the designated wetland areas and the Wintersburg Channel.

Therefore we believe that the HNB-MAJ-1-06 should be denied.

Respectfully submitted,

Douglas & Tracy Stewart
5342 Kenilworth Drive
Huntington Beach, CA 92649

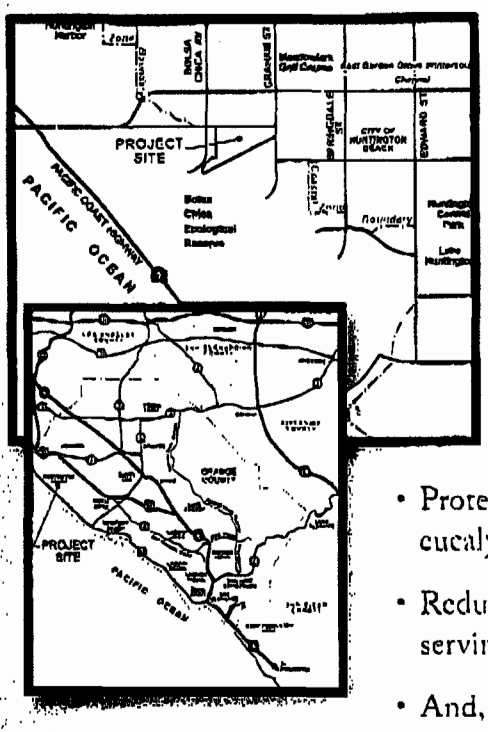


The Flood Safety and Water Quality Benefits Parkside Estates Brings You

Shea Homes' planned 170-home community of Parkside Estates is so much more than a new coastal neighborhood with all the latest amenities.

- It could end your mandatory flood insurance.
- It would keep tidal flooding out of many neighborhoods.
- It would enhance existing wetlands and create new ones.
- It would even clean runoff from 3,000 urbanized acres.

Not bad for one small subdivision!



With $15 million in developer funds for these improvements, it's safe to say that never before have such a small number of new homes done so much good for so many people.

Inside, you'll find out more about these benefits:

- Reducing flood risk and eliminating or reducing mandatory flood insurance for 7,000 area home and business owners.*
- Cleaning urban runoff from Parkside Estates and much of the surrounding watershed.
- Protecting natural resources, including wetland areas and eucalyptus trees.
- Reducing the risk of sewer spills by installing new sewer lines serving surrounding neighborhoods.
- And, of course, beautiful new ocean-close homes!

Your support is needed for our Coastal Commission hearing on Feb. 15!
Please read on and be sure to visit our Web site:

www.SheaParkside.com

* Residents will need to double-check with their mortgage company and flood insurance company once the improvements are completed and the new flood map is issued.

The Great Outdoors

Parkside Estates is an environmentally sensitive new community with lots to offer area residents and wildlife.

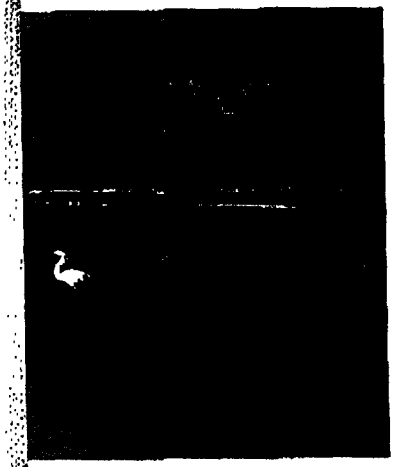
Publicly-accessible parks and trails

As proposed, Parkside Estates will bring 20 new acres of parks and open space to Huntington Beach, plus trails and a vista point with fabulous views.

Extensive habitat protection

Shea Homes' plan will protect and enhance all natural wetlands on the site, as well as the eucalyptus groves that are home to many local birds of prey.

Improved water quality



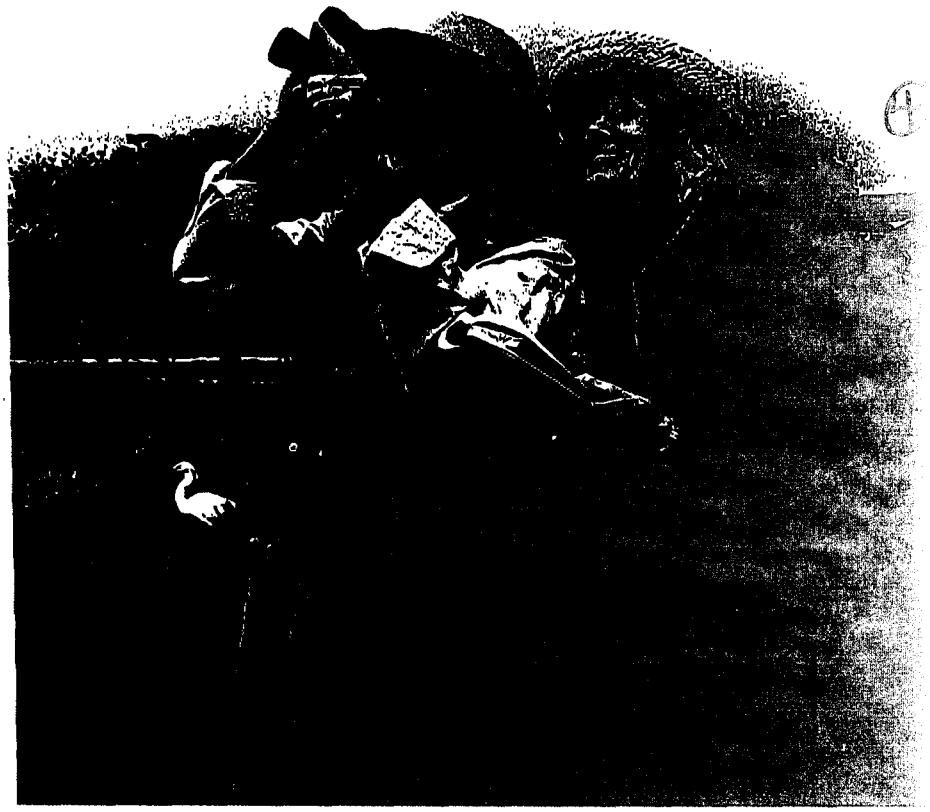
A Natural Treatment System will use the natural characteristics of wetlands to treat urban runoff from Parkside Estates and much of the Slater watershed before it reaches Huntington Harbour and the ocean.

69

Beautiful New Homes for Huntington Beach

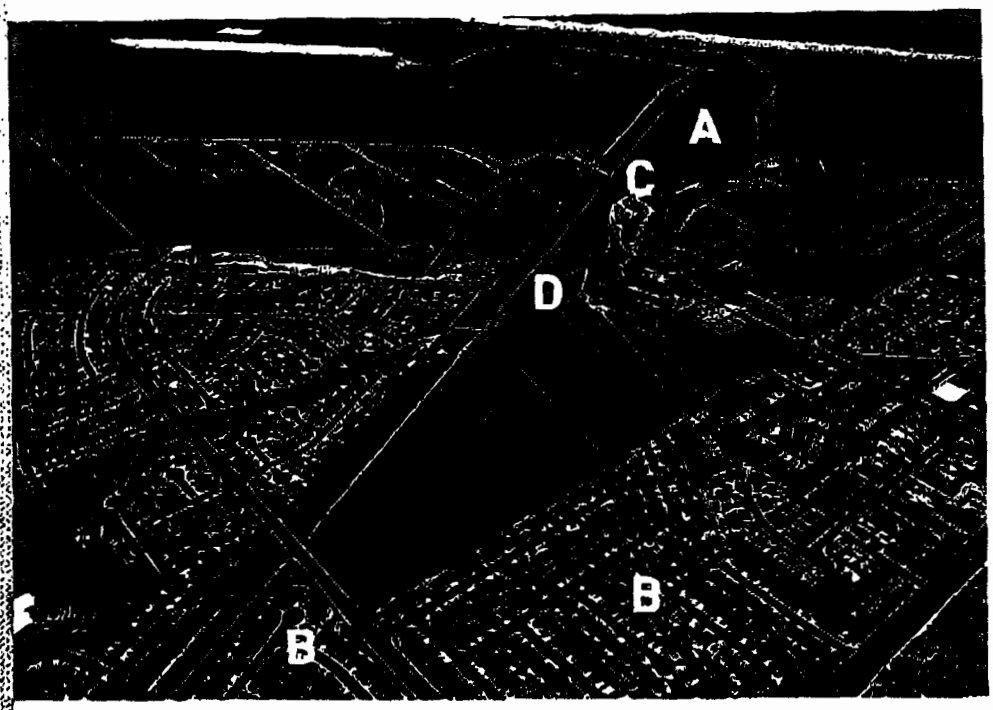
Well-planned, environmentally sensitive and beautifully designed, Shea Homes' Parkside Estates will bring outstanding new home choices to Huntington Beach. Unique architectural designs and livable floor plans will offer families large and small a variety of home options to select from.

If you are interested in the homes at Parkside Estates, be sure to send in a reply card or visit www.SheaParkside.com to sign up for updates and to be added to our list of interested homebuyers.



New Flood Threat to Huntington Beach Neighborhoods Explained

Low-lying neighborhoods near the intersection of Warner Ave. and Graham St. became much more at risk to tidal flooding last summer when the Bolsa Chica restoration project connected Outer Bolsa Bay to an area previously protected by levees. That created a "muted tidal basin" — basically a 40-acre saltwater pond — marked "A" in the photo.



If you live in the area marked "B," your neighborhood is as much as 3.5 feet LOWER than the elevation of the muted tidal basin. (Additional neighborhoods are exposed to this risk. View the flood animation at www.SheaParkside.com for more details.)

All that is holding back the water is an old oil field road, "C," which is barely higher than the water and is not a levee. Already, there are signs of "piping" along the road — a primary cause of levee failures.

Fortunately, Parkside Estates will provide a flood protection feature, "D," that would reach from the Wintersburg-East Garden Grove Flood Control Channel to the Bolsa Chica mesa, creating an effective barrier to protect homes from tidal flooding.

Winning Approval

Parkside Estates was approved by the Huntington Beach City Council in 2002, following an extensive review. Two more approvals are needed before construction of the major regional benefits we've described here can begin:

- The California Coastal Commission must approve the project. (See www.SheaParkside.com for details.)
- The City of Huntington Beach must then approve the Coastal Commission's action.

Your support is needed! If you are interested in getting rid of flood insurance, or reducing flood risk in your neighborhood, or having more trails while protecting and improving wetlands, water quality and sensitive habitat, or buying a Parkside Estates home, you can help by letting the Coastal Commission know you support Parkside Estates.

We've included a reply card you can sign. Or, you can use our handy letter-generator at:

www.SheaParkside.com

The Coastal Commission has set Parkside Estates' hearing for February 15th in San Diego.

Your Immediate Support is Needed!

How Parkside Estates Could Reduce or Eliminate Your Mandatory Flood Insurance Premiums

Today, 7,000 Huntington Beach home and business owners in the area of the Wintersburg-East Garden Grove Flood Control Channel must pay mandatory flood insurance premiums because the area does not have sufficient protection against levee breaks, storm surges or extreme high tides.

Levees protecting Huntington Beach are crumbling and at risk of failure.

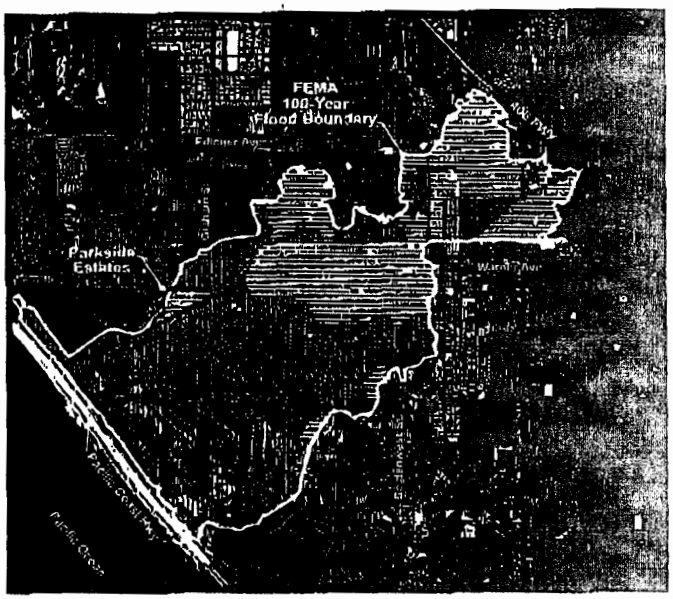
But financial relief and reduced risk can be just a year or two away! Upon approval of Parkside Estates, Shea Homes will spend $15 million on long-overdue regional flood infrastructure improvements, including:

- Rebuilding the levee along the property frontage
- Building new storm drains to increase carrying capacity in the area
- Adding two new pumps to the Slater Pump Station, and
- Tying the levee to the bluff with a new flood protection barrier.

When these improvements are completed and certified, the Federal Emergency Management Agency will issue a new flood map for the area that will result in reduced or eliminated flood insurance premiums for residents in the mapped area – all at no expense to taxpayers!*

Take a look at the map. If you live in the yellow area, your home may be removed from mandatory flood insurance requirements. If you live in the blue area, your premiums may be reduced because your home would be moved from an "approximate zone" to a "detailed study zone," which is a less expensive category.

Your support is needed! None of these improvements can be made unless Parkside Estates is approved. Please use the reply card or visit our Web site, **www.SheaParkside.com**, to let the Coastal Commission know you support Parkside Estates.



For a larger map, visit www.SheaParkside.com

www.SheaParkside.com

* Residents will need to double-check with their mortgage company and flood insurance company once the improvements are completed and the new flood map is issued.

SheaHomes
Caring since 1881

603 S. Valencia Ave.
Brea, CA 92823

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
SANTA ANA
PERMIT #

AUTO**5-DIGIT 92649
DOUGLAS J STEWART
5342 KENILWORTH DR
HUNTINGTN BCH CA 92649-4527

February 12, 2006

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

RECEIVED
South Coast
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

Fax: (562) 590-5084

Reference Item #Th22a, HNB-MAJ-1-06

Enough is enough, don't let another developer encroach on environmentally sensitive area and drive out endangered birds and animals.

Please do not let this happen.

Thank you, and PLEASE save this sensitive area for those who follow.

Sincerely,

Peter & Donna Clark

Peter & Donna Clark

17121 Sandra Lee Lane
Huntington Beach, CA 92649

Fax: (714) 846-4945

72

PAGTER AND MILLER
A PROFESSIONAL LAW CORPORATION

SUITE 104
525 N. CABRILLO PARK DRIVE
SANTA ANA, CA 92701

R. GIBSON PAGTER, JR.
HARLENE MILLER
MISTY PERRY ISAACSON

TELEPHONE:
(714) 541-6072
FACSIMILE:
(714) 541-6897

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FEB 13 2007
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12 February 2007

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

(562) 590-5084

RE: Ref. No Th22a, HNB-MAJ-1-06

Dear Commissioners

On behalf of William Younis, a resident of Huntington Beach, who resides in a home on the Huntington Harbor, I urge you NOT TO APPROVE any requested encroachment of ESHA buffers.

Mr Younis cannot fathom how the Commission can consider approving any zoning or similar change of 50 acres of open space into low-density residential in an area that already causes raw sewage to flow and overflow regularly into the Harbor. Surely the addition of new homes only would magnify this existing gross, unhealthy problem, a problem I believe already cries out for rigorous testing by state and federal health authorities. I submit the only possible mitigation that might make sense would be for any proposed developer to pay for the cost of a completely new sewer system for all the existing drainpipes that pollute the Harbor that will eliminate the current waste issues and avoid any new ones, AND to build a new state of the art sewage treatment plant for the City of Huntington Beach for the area around and including the proposed new development, and stopping all dumping into the Harbor and nearby ocean of all treated and untreated human and industrial waste.

PAGTER AND MILLER

R. GIBSON PAGTER, JR.

fc: Bill Younis (562) 453-6556
cc: U.S. EPA
cc: State of CA, Dept of Health & Human Services

Acr.g/l/cac-c1

California Coastal Commission
Item Th22a, HNB-MAJ-1-06

Attn: Meg Vaughn

I have been in Huntington Beach all of my 52 years of life. I have seen the good and the bad. Please Please STOP the taking of what little we have. The last fifty acres of open space next to the wetlands should be just that OPEN. You know the fight that has gone on for years now. The people time after time have said let this area alone. I am not a bird lover, or a tree hugger. I work hard and pay my taxes. Please just drive down PCH in Huntington Beach and see for your self's. Just one look will tell you; this is how it should be.

Any Encroachment in the ESHA buffers is unacceptable!
Item #Th22a, HNB-MAJ-1-06

Thank You for reading this.
STEVEN ALBERT
Huntington Beach Home Owner

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FEB 6 2007
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COASTAL COMMISSION

Re: Ref. Item Th22a, HNB-MAJ-1-06

To Commissioners;

I love the Bolsa Chica Wetlands & all the wildlife its supporting. Please do not let any development occur in the wetlands or mesa areas.

You have the power & responsibility to keep these areas safe for our wildlife and for everyone to enjoy & appreciate its beauty. Your decision will be remembered forever. Sincerely Debra Bankston R.N.

75

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South Coast Region
CALIFORNIA
COASTAL COMMISSION

Ref # Th 22a, HNB-MAJ-1-06

Attn: Meg Vaughn

We strongly urge you to stop any encroachment by any developer on Upper Bolsa Chica Wetlands.

Thank you

Stan + Jill Beideman
19061 Foxwood Lane
Huntington Beach CA 92648
714 960 8310

Dr. Michael A. Cohen
19741 Elmcrest Lane
Huntington Beach, CA. 92646-3123
(714) 964-9173

February 7, 2007

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

Reference Item # Th22a, HNB-MAJ-1-06

Dear Commissioners,

Please understand that ***ANY*** encroachment in ESHA buffers is unacceptable.

Thank you for understanding,

M Cohen

Dr. Michael A. Cohen

77

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To: CCC

Please do not allow this money-hungry developer to have ten 50 acres he wants to build on. All of these developers are ruining Southern California.
Once used to see beauty now it's only ugly development regardless of price AND TRAFFIC!!

Sincerely,
(Mrs.) Virginia Edgcomb

FAXED ON 2/7/07
HARD COPY MAILED

California Costal Commission
Attn: Meg Vaughn

February 7, 2007

Item #TH22a, HNB-MAJ-1-06

My wife and I are citizens of the State of California, and the City of Huntington Beach. We are against the encroachment in ESHA buffers. We feel it is totally unacceptable to place any development within the habitat buffer zone. We ask that you do not allow the developer to use 50 acres of open space wetlands for residential development.
We need all the open space to stay as exists. This area is home to many environmentally sensitive species that includes, California Gnatcatchers, White-tailed kites, Cooper's Hawks and plants that are rare.

Cordially:

Delton Emery

Delton Emery

Virginia Emery

Virginia Emery

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South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

RE: Item Th22a, HNB-MAJ-1-06 Westminster, 7 Feb 07

Dear Commissioners:

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South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

As a concerned citizen, I am writing to urge you not to allow any urban development in the ESHA (environmentally sensitive habitat area). This environmentally significant area is supposed to be protected by law — please see to it that that protection is respected!

Thank you for your concern,

Maria Greenwood
Orange County resident

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COASTAL COMMISSION

February 7, 2007

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

Re: Upper Bolsa Chica Wetlands- Item Th22a, HNB-MAJ-1-06

Dear Coastal Commission Members:

Please do not allow the development of property in the immediate vicinity of the subject Upper Bolsa Chica Wetlands. I am an Environmental Planner and am well aware of the degradation to property immediately adjacent to construction sites. Presently those sensitive areas on the Upper Mesa are looking better than they have in the past and along with the recent opening of the wetlands to the ocean tides, I have seen a surge in the number of birds and the overall health of the wetlands. It would be a shame to now erode the Wetlands from the opposite side!

PLEASE, PLEASE DO NOT ALLOW ANY ENCROACHMENT ON OR INTO ESHA BUFFERS !!!

Kindest Regards, and many thanks for all your environmentally friendly decisions,

J. E Hamilton

Jamie Hamilton AICP
19132 Shoreline Lane #2,
Huntington Beach, CA 92648

February 6, 2007

George Hill
1719 Alsuna
Huntington Beach, Ca 92648

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COASTAL COMMISSION

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

Ref: Th22a, HNB-MAJ-1-06

Dear Ms. Vaughn,

This letter is to inform you of my opposition to the proposal that would change designated open space in the Upper Bolsa Chica Wetlands. I am aware that public hearings on this subject are scheduled for Thursday February 15th, 2007. Though I will not be able to attend, it is my hope that this letter will be acknowledged as a voice of opposition to development within the habitat buffer zone.

As a 35 year resident of Huntington Beach I have watched and participated in the actions that have established the current plan for the Bolsa Chica as restored wetlands. With the recent ocean channel I have, for the first time, seen blue water in the southern portion of the waterway. I believe this restoration is a great benefit for the entire community.

I do not consider myself anti-development and I recognize that compromise is part of any constructive dialogue. However, any development plan that affronts a natural habitat zone is ill-conceived. The best arguments for development would include *a promise* that the plan wouldn't harm the natural zone. In fact, the promise has no upside and logically, **can only degrade** the zone's natural environment.

The good work done to date on managing the Bolsa Chica should not be undone without benefit. Encroachment on existing boundaries should not be considered unless new information ensures benefits to the Bolsa Chica restoration.

Sincerely,

George Hill

2-8-07

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FEB 9 2007
CALIFORNIA COASTAL COMMISSION

TH22A

Dear Sea & the PUBLIC TRUST:

I am a former resident of Huntington Beach, who is dismayed that a GREEDY Developer is trying to con you into approving their project.

Please, Please, Please DENY HNB-MAJ-1-06 as submittal.

Yours truly,

Marvin [illegible]
23404 S. WESTERN Ave. #D
Harbor City, CA 90710

February 7, 2007

COASTAL COMMISSION

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

Reference: Item #Th22a, HNB-MAJ-1-06

I have been a resident of Huntington Beach since 1965, and live near the wetlands in the reference above, and feel strongly that any encroachment in ESHA buffers is unacceptable. Many more birds have returned to the area, especially since the inlet to the ocean has been opened, and development in the 50 acres of open space would have negative results. Please consider this when you make your decision.

Sincerely,

Velda King

Velda King
18111 Lakepoint Lane
Huntington Beach, CA 92647

Reference Item
#TH22a, HNB-MAJ-1-06

5201 11th St
Huntington Beach
California 92648

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FEB 9 '07
CALIFORNIA
COASTAL COMMISSION

Gentlemen, Gentlemen
Gentlemen and Ladies;

Whats going on?
Don't you think California is taking to much Land for houses?
People are getting so unconcerned about the world we live in. It's just me me me and money money money. The heck with the animals, trees and flowers. I must have my house on this land because no one else but only us few will be living here.

Haven't we seen these poor animals coming down from the hills (or mountains) looking for food or resting area. The animals were here before all those homes were build.

Even Alaska won't be having any animals because of Global warming Caused by the people.

Pg 2

Soon the only animals we will see will be in Cages.

Have you ever taken time to enjoy the birds??

Pretty soon thats all there will be is houses no animals. If you give in now; they will convince you later that they need more houses in this area.

This is the time only you can protect these Birds. They need your help.

Have you ever seen a Wild Bird in the sky and wonder where is he going; where does he sleep and what does he eat?? I have; and I know his home is here at the Wetland.

I hope these animals can count on you not to let Development within the habitat Buffer Zone.

Thank you
Frances Lulu
(a person who loves the earth)

Mrs. Elinor A. Mattson
7691 Ontario Dr
Huntington Bh CA 92648-1427

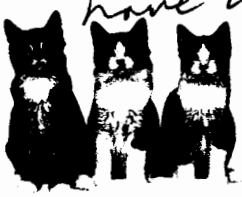
RECEIVED
South Coast Region
FEB 0 2007
CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

In reference to # Th 22a, HNB-MAJ-1-06.

I have lived in Huntington Beach for 34 years. We don't need more houses in H.B. We don't need widening streets by eminent domain to accomidate traffic. Better we repair the streets we have.

This city used to have a great city council. Now we have yields. Can't anyone realize that as humans we are more intelligent (used loosely) are elimating the species that preceded us. Hoorah for us. We are killing our planet, only because we have the capibilty to do so.



Elinor Mattson

Member of The Humane Society of the United States

FACSIMILE COVER PAGE

To :	**<Recipient Full Name>**	**From :**	**Roger McClellan**
Sent :	**<Date> at <Time>**	**Pages :**	**1 (including Cover)**
Subject :			

California Coastal Commission
200 Oceangate 10th Floor
Long Beach, Ca.

Ref. item #Th22a, HNB-MAJ-1-06

Dear Meg Vaughn and Commissioners;

Please do not allow the proposed development to the 50 acre open space at the Huntington Beach wetlands. There is enough housing there now and the open space is more precious than any property tax derived from the additional housing.
Vote NO on that proposal
Thank you for your consideration and time.

Sincerely,

R McClellan

Roger L. McClellan, MD
6311 Turnberry Circle
Huntington Beach, Ca. 92648
714-960-7977

RECEIVED
South Coast Region
FEB 7 2007
CALIFORNIA
COASTAL COMMISSION

Feb.8,2007

Th-22a

California Coastal Commissioners
% Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Chairperson Meg Vaughn and Commissioners ;

I am writing to ask you to please do four things about the item 22a at the Feb 15th Coastal Commission Hearing

1. I urge you to guarantee that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

2 .I ask that the Commission review and amend the proposals for wetlands. Since there are more wetlands on the property than are outlined in Exhibit L.

3. I ask that any Natural Treatment System (NTS) be constructed "outside" of the ESHA buffers

4th and most importantly I urge you support staffs recommendation to Deny HNB-MAJ-1-06 as submitted.

Respectfully
Eileen Murphy
Eileen Murphy
201 21st Street
HB CA 92648

February 7, 2007

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear Coastal Commission Members:

Hopefully you have toured the Bolsa Chica Wetlands since restoration efforts are well underway. At the same time, the devastation caused by the development of the Upper Bolsa Chica Wetlands is also very apparent.

Now, the developer wants to encroach on the buffer zone! This is unacceptable. So little natural habitat remains. Please safeguard the buffer zone from any and all building.

Thank you for your time.

Sincerely,

Anne Myer

Anne Myer
17801 Wrightwood Lane
Huntington Beach, CA 92649

February 7, 2007

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear Coastal Commission Members:

Hopefully you have toured the Bolsa Chica Wetlands since restoration efforts are well underway. At the same time, the devastation caused by the development of the Upper Bolsa Chica Wetlands is also very apparent.

Now, the developer wants to encroach on the buffer zone! This is unacceptable. So little natural habitat remains. Please safeguard the buffer zone from any and all building.

Thank you for your time.

Sincerely,

Jeff Myer
17801 Wrightwood Lane
Huntington Beach, CA 92649

Feb. 5, 2007

Dear Ms. Vaughn, RE: Item # Th22a,
HNB-MAJ-1-06

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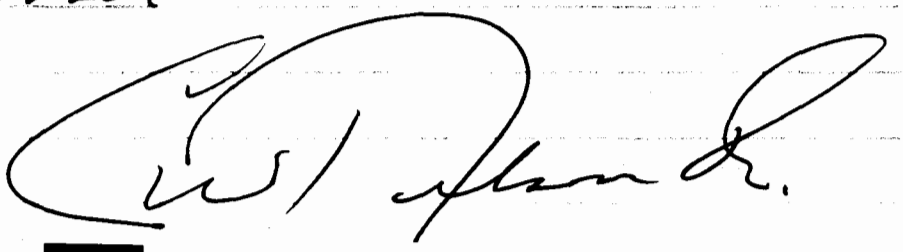
South Coast
FEB 9
CALIFORNIA
COASTAL COMMISSION

This is a plea to the commissioners to disallow any encroachment in ESHA buffers. The idea of even moderate use of this open space wetland area for low density residential will disturb environmentally sensitive species and is unacceptable.

Thank you for your kind and concern for this issue



[redacted]
Emerson W. Nelson Jr.
7236 Havenrock Dr.
Huntington Beach, CA 92648

2007

Patricia Nelson
1612 Via Lazo
Pls Vrds Est CA 90274
310-373-1519

RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

Dear Commission
members,

Please do not infringe
on our birds & other
animals in the
open-space wetlands
of Bolsa Chica.
Patricia Nelson
Patricia Nelson
2nd
ref. item: TH22a, HNB
MAJ-1-06.

Let's keep some precious
places on our coast
the way they should
be.

REC
South
FEB 2007
CA
COASTAL C

February 7, 2007

California Coastal Commission via: FAX 562/ 590-5084
Attn: Meg Vaughn

Re: #Th22a, HNB-MAJ-1-06

I'm a Volunteer Naturalist with the Upper Newport Bay Ecological Reserve and Nature Preserve, and am firsthand familiar with the good work your CCC staff is doing here. And, am well aware of the consequences of habitat destruction, resulting in loss of species of plants, birds, and critters.

Altho I can not attend the 2-15-07 meeting, I strongly urge you to deny any encroachment into the ESHA habitat buffer zone in the Bolsa Chica wetlands.

Sincerely,

Robert A. Nichols

Robert A. Nichols
1901 Mariners Dr.
Newport Beach, CA 92660

2-5-07

My wish: PLEASE, do not destroy a piece of heaven in orange county! Huntington Beach

I've been a resident of HB before this darling community became "Surf City" — so many changes, so fast. Are people really this greedy — for Gods sake, any encroachment in ESHA buffers is unacceptable.

Here, Here, Hear our plea any encroachment in ESHA buffers is unacceptable

A concerned citizen & Taxpayer

Ref Item
#TH22a
HNB-MAJ-1-06

Satti Spencer
6141 Jeremy Dr.
HB 92647

© 1994 Angel Star

Reference item #Th 22a, HNB-MAJ-1-06

2-6-07

Dear Calif Coastal Comm Commissioners Members,

I am opposed to any development within the Habitat Buffer Zones.

It is very sad to see how the open space in these environmentally sensitive areas are being encroached on. Please no encroachment in ESHA buffers is acceptable!

No Home Depot, either in Long Beach

RECEIVED

Sincerely,

Mrs Suzanne O'Hara

Ms. Suzanne R O"Hara
Madison
13772 University St
Westminster, CA 92683-2758

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South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

Elliott K. Sutton
2-8-07

Ref. Item: Th22a HNB-MAJ-1-06

Dear Commissioners -

Please consider the requests of the many residents who have fought for the preservation of the Upper Bolsa Chica Wetlands. Any encroachment in ESHA buffers is totally unacceptable.

Show your courage!

Sincerely,

Elliott K. Sutton

286377

2-6-07

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

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[redacted] # Th 22a, HNB-MAJ-1-06 [redacted]

We strongly urge you to protect all of Bolsa Chica wetlands. Any encroachment in this ecological sensitive habitat area is unacceptable. Including the buffers of ESHA.

Please protect this precious land and do not allow the 50 acres of open space to become low-density residential. Keep it open and undeveloped - beautiful & free!

Thank you.
Judy & Jerry Vinland
7562 Danton Circle
Huntington Beach, CA
92648

ITEM # Th22a, HNB-MAJ-1-06

97

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South Coast Region
FEB 7 2007
CALIFORNIA
COASTAL COMMISSION

Dale L. Jimenez
7332 Veering Circle
Huntington Beach, CA 92648

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

Re: Item #Th22a, HNB-MAJ-1-06

Dear Ms. Vaughn:

This letter is to express my opposition to changing 50 acres of open space into low-density residential housing. I understand that this developer wishes to place limited development within the habitat buffer zone. This is unacceptable! Our environmentally sensitive species must be protected. Thank you.

Sincerely,

Dale L. Jimenez

California Costal Commission
Attn: Meg Vaughn

February 7, 2007

Item #TH22a, HNB-MAJ-1-06

My wife and I are citizens of the State of California, and the City of Huntington Beach. We are against the encroachment in ESHA buffers. We feel it is totally unacceptable to place any development within the habitat buffer zone. We ask that you do not allow the developer to use 50 acres of open space wetlands for residential development.
We need all the open space to stay as exists. This area is home to many environmentally sensitive species that includes, California Gnatcatchers, White-tailed kites, Cooper's Hawks and plants that are rare.

Cordially:

Delton Emery

Delton Emery

Virginia Emery

Virginia Emery

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COASTAL COMMISSION

February 10, 2007
Members of the Commission
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Item Th 22a – Major Amendment Request

Dear Members of the Commission,

1) We Support Staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) We ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) We ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

4) We ask that any Natural Treatment system (NTS) be constructed *outside* of the ESHA buffers.

We thank you for addressing this very important issue that will affect wetlands, water quality, ESHA and more importantly generations of human beings.

Sincerely,
Mr. & Mrs. William E. Wiley

William E. Wiley
Mary Jane Wiley
6192 Moonglade Dr.
Huntington Beach, CA
92648

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FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

P. VAUGHAN
PO BOX 5175
HUNT. BEACH CA 92615

CALIFORNIA COASTAL COMMISSION 10 FEB '07
ATT MEG VAUGHN
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA 90802-4416
RE: Th 22a, HNB-MAJ-1-06
DEAR MS MEG VAUGHAN.

I HOPE THAT YOU AND THE COMMISSION WILL DENY THE DEVELOPERS PERMISSION TO ENCROACH INTO THE WETLANDS ON THE UPPER BOLSA CHICA. THE WETLANDS SHOULD BE PRESERVED.
THANK YOU FOR YOUR EFFORTS.

SINCERELY,

Porter Vaughan
PORTER VAUGHAN
949 574 0215
4100 RIVIERA AVE. NEWPORT BCH, CA 92663

101

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South Coast Region

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION

February 10, 2007

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

To Whom It May Concern:

I am writing concerning item #Th22a, HNB-MAJ-1-06 which is about a proposed development on 50 acres of open space of wetlands in Huntington Beach. I am sure you are aware that this is home to many environmentally sensitive plants and species. I urge you not to approve this development as there is very little wetlands left in southern California and we need to protect all that remains.

Regards,

Charles Satow
6822 Lawn Haven Drive
Huntington Beach, CA 92648

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February 10, 2007

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

Subject: #TH22a, HNB-HNB-MAJ-1-06

Dear Ms. Vaughn

As long term resident of Southern California, I am concerned about the lack of open space. I am 88 years old and continue to witness the erosion of open land and charm that brought me to California in 1932.

I do not support development of the Upper Bolsa Chica Wetlands. Any encroachment in ESHA buffers is unacceptable. We need to keep this area as open space. Please do not approve development in this area (ref: #Th22a, HNB-MAJ-1-06).

Sincerely,

Genevieve Johnson

Genevieve Johnson
13021 Oak Hills Drive
Seal Beach, CA 90740

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South Coast Region

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION

February 11, 2007

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

Subject: #TH22a, HNB-HNB-MAJ-1-06

Dear Ms. Vaughn:

I do not support development of the Upper Bolsa Chica Wetlands. Any encroachment in ESHA buffers is unacceptable. We need to keep this area as open space. Please do not approve development in this area (ref: #Th22a, HNB-MAJ-1-06).

Regards,

Bettye J. Satow
6822 Lawn Haven Drive
Huntington Beach, CA 92648

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South Coast Region

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION

February 11, 2007

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

Subject: #TH22a, HNB-HNB-MAJ-1-06

Dear Ms. Vaughn:

In late summer of 2006, I moved near the Upper Bolsa Chica Wetlands based on the pure beauty of this area. I am a school teacher in Irvine and have a difficult commute each day. However, I chose the area that I live based on the open space. Consequently, I do not support development of the Upper Bolsa Chica Wetlands. Any encroachment in ESHA buffers is unacceptable. We need to keep this area as open space. Please do not approve development in this area (ref: #Th22a, HNB-MAJ-1-06).

Regards,

Cindy Evans

Cindy Evans
17171 Bolsa Chica, #68
Huntington Beach, CA 92649

2/11/07

ATTN: California Coastal Commission

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South Coast Region
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

From: Susan Pierce
16632 Busby Ln.
Huntington Beach, CA 92647

Reference: Item # Th 22a, HNB-MAJ-1-06

To: California Coastal Commission

This is an urgent plea, to beg you all not to do any development in this habitat buffer zone. Any encroachment in ESHA buffers is completely unacceptable!!!! The wildlife and habitat must be saved. If we let this development continue, then one day we will have no more wetlands! Stop the # of people moving in, stop the traffic, stop the pollution! Cherish what we have left! Susan Pierce

106

Feb 11 2007 1:47PM IA & IO Services 714-698-1293 p.1

Feb 11, 2007

To California Coastal Commission
Attention: Meg Vaughn
200 Oceangate, 10th floor
Long Beach, California 90802-4416

Reference Item #TH22a, HNB-MAJ-1-06

I and my family are adamantly opposed to any encroachment in ESHA buffer zone. Please reading any acreage in a buffer should not be allowed due to sensitive species living present. I believe our wetlands (i.e. remaining or less) should be protected from greedy developers at all costs. Once it's gone it's forever.

Thank you,

Margaret E. Borren

MARGARET E. BORREN
P. O. Box 1345
Huntington Beach, California
92647

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FEB 13 2007
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Th22a

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

Dear Commission:

1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be 100 meters each and conjoined
to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

Regards,

Scot Mollot

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South Coast Region
FEB 12 2007
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California Coastal Commission

Attn: Meg Vaughn

200 Oceangate, 10th Floor

Long Beach, Ca. 90802-4416

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Dear Commissioners,

We are voicing our disapproval of any development within the habitat buffer zone. We have been residents of this lovely area for forty years. We are delighted with the restoration and preservation of the Bolsa Chica. It is a treasure well worth preserving for now and for future generations. The buffer zone is vital to the success of the whole preservation objective. We urge the commissioners to just "SAY NO" to the development of the Upper Bolsa Chica Wetlands.

Sincerely,

The Hatala Family

6301 Newbury Dr.

Huntington Beach, Ca. 92647-6535

February 10, 2007

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FEB 13 2007

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COASTAL COMMISSION

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

Reference: Item #Th22a, HNB-MAJ-1-06

Dear Commissioners,

I am writing you today in regards to my concerns with the above item.

I strongly protest any developer wishes to place any limited development within the habitat buffer zone. Any encroachment in the ESHA buffers is unacceptable.

As intelligent human beings, we should share this planet responsibly with other creatures. If this area is damaged any further, it could cause permanent changes to the creatures that find respite there during their migrations. Many of the local parks enjoy these exotic visitors, which will no longer visit if these wetlands keep getting developed.

I enjoy going to these local parks. I enjoy riding my bike past these wetlands. It's a source of great pleasure and relaxation to coexist with other creatures. This is something that future generations deserve to experience as well.

As a business owner myself, I understand the importance of the freedoms of enterprise with minimal government interference. However, this place is crucial to other species survival. It is unique. It is our responsibility to preserve that. There are plenty of other places to start developments, but there are not many wetlands such as this in existence, especially along the California coast! Please do not let this happen.

Thank you for your time.

Sincerely,

Cathy Fitzpatrick

Cathy Fitzpatrick
9432 Flicker Avenue
Fountain Valley, CA 92708

110

California Coastal Commission
Public Hearing on Upper Bolsa Chica Wetlands
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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FEB 13 2007
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COASTAL COMMISSION

Reference Item #Th22a, HNB-MAJ-1-06

Dear Commissioners:

Any encroachment in ESHA buffers is UNACCEPTABLE!.

Sincerely,
Ed and Anne Farber 2/9/07
Ed and Anne Farber
Huntington Beach, CA 92649

Grace Shin
17242 Sandra Lee St.
Huntington Beach, Ca 92647
562 881-9910

February 12, 2007

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California Coastal Commission
ATTN: Ms. Meg Vaughn
200 Oceangate, 10th floor
Long Beach, Ca 90802-4416

Ref #. Th 22a
HNB-MAJ-06

Dear Ms. Vaughn;

I am writing this letter to <u>oppose</u> any encroachment in ESHA.
This development propose by developer for Heartland homes are unacceptable.

Please note that further development would harm environmentally sensitive species on the land, therefore I <u>oppose</u> any further development to this precious land.

Thankyou

Grace Shin

112

ACTION ALERT!

California Coastal Commission
Public Hearing on Upper Bolsa Chica Wetlands

Thursday, February 15, 2007
Item Th22a; 1pm-5pm (time approx.)

Catamaran Resort Hotel in San Diego, CA

This public hearing would change 50 acres of open space wetlands into low-density residential. This land is home to White-tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant, and other environmentally sensitive species.

The developer wishes to place limited development within the habitat buffer zone. **We need YOU to tell the Commissioners that any encroachment in ESHA buffers is unacceptable!** Please write or fax (562) 590-5084 *no later than February 12*:

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

RECE[illegible]
South Coa[illegible]
FEB 13 2007
CALIFO[illegible]
COASTAL CO[illegible]

Reference Item #Th22a, HNB-MAJ-1-06, in your correspondence.

Call the Land Trust office at (714) 846-1001 for information on attending in person. ***Come show your support for Bolsa Chica!***

Be sure to visit www.bolsachicalandtrust.org for any late-breaking information.

[redacted]

Dear Commissioners,

I agree with the comments of the Bolsa Chica Land Trust to prevent development on the Upper Bolsa Chica Wetlands. Any encroachment in ESHA buffers is unacceptable. The hearing ought to have taken place in Huntington Beach, CA. Thanks

113

Mary Lou Watkins Moore
17672 Crestmoor Lane
Huntington Beach, California 92649
(714) 840-1885 Phone/Fax
mlouw@aol.com

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FEB 13 2007

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

Reference Item #Th8a, HNB-MAJ-1-06

As a resident of the area adjacent to the proposed Parkside Development I urge you to not allow encroachment in ESHA buffers. The area is home to many environmentally sensitive species who are readily observable. With the rapid decline in the number of coastal wetlands over the last several years, the fine work done with the restored Bolsa Chica wetlands deserves to be complemented by having this additional area preserved for the many plant and animal species that constitute a wetland.

Mary Lou Watkins-Moore

Mary Lou Watkins Moore

2-9-07

Calif. Coastal Commission

Please do not allow any encroachment in ESHA buffers it is not acceptable, we need open space for our wildlife.

Please do not develope this area in Newport Beach

Thank You

Mr - Mrs John Tuttle
19504 Sandcastle Ln
N.B. 92648

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John M. Iacono
5421 Barwood Drive
Huntington Beach, CA 92649
TEL: (714) 840-6618
FAX: (714) 751-4934

TO: **Meg Vaughn, California Coastal Commission**

FROM: **John M. Iacono**

DATE: **February 09, 2007**

FAX: **(562) 590-5084**

RE: **item #Th22a,NHB-MAJ-1-06**

If you do not receive 1 page(s) including the transmittal sheet, please call the above number as soon as possible.

California Coastal Commission,

With repsect to Item #Th22a,HNB-MAJ-1-06, I urge you protect the designated Environmentally Sensitive Habitat Areas and not allow ANY encroachment upon this land by development. I hope you see fit to take into consideration the position of the Bolsa Chica Land Trust, and similar organizations, with respect to any such matters now and in the future.

Sincerely,
Mr. and Mrs. John Iacono

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California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
February 9, 2007

"Th-22a"
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Dear Ms. Vaughn,

1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

Richard Mathis
17071 Berlin Lane
Huntington Beach, Ca. 92649

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Elyse & Jim Barrett
20072 Cove Circle
Huntignton Beach, CA 92646
714.964.9530
Fax 714.962.1191

TO	*California Coastal Commission*	*fax 562.590.5084*
FROM	Jim & Elyse Barrett	
DATE	February 9, 2007	
RE	Upper Bolsa Chica Wetlands -- Hearing 2/15/07 Re: Item #Th22a, HNB-MAJ-1-06	

Dear Commissioners,

You will be considering a reduction of open space in the Upper Bolsa Chica Wetlands at your upcoming public hearing on February 15. We wish to encourage you to reject the proposal.

The developer proposes to converting 50 acres now included in an ecological sensitive habitat area to low-density residential use. If approved, this proposal not only places the City of Huntington Beach in violation of its own Local Coastal Program, but eliminates established habitat buffer zones surrounding the Bolsa Chica Wetlands as a whole.

We strongly recommend that the Commission deny this proposal. Any encroachment in the ESHA buffers is unacceptable.

Thank you for your receiving this request.

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Elyse & Jim Barrett

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Margaret
Peg Longenecker
15271 Columbia Lane
Huntington Beach
California 92647
February 9, 2007

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

Reference Item # Th 22a, HNB-MAJ-1-06

To whom it may concern:

I strongly oppose any encroachment in ESHA buffers. It is not acceptable.

We have destroyed most of the open spaces in California especially in the ocean & wetland area.

It is time to control people's GREED & total disregard for mother nature.

Sincerely;

119

Feb 09 07 01:31p Zlatko Zadro 714 p.1

Commissioner,

Any encroachment in ESHA buffers by the developers is unacceptable!

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Rebecca K. Zadro
Rebecca K. Zadro
16742 Wanderer Ln.
Hunt. Bch., CA.
92649

120

HNB-MAJ-1-06, Exhibit HH
Page 74 of 133

ACTION ALERT!

California Coastal Commission
Public Hearing on Upper Bolsa Chica Wetlands

Thursday, February 15, 2007
Item Th22a; 1pm-5pm (time approx.)

Catamaran Resort Hotel in San Diego, CA

This public hearing would change 50 acres of open space wetlands into low-density residential. This land is home to White-tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant, and other environmentally sensitive species.

The developer wishes to place limited development within the habitat buffer zone. **We need YOU to tell the Commissioners that any encroachment in ESHA buffers is unacceptable!** Please write or fax (562) 590-5084 *no later than February 12*:

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

Reference Item #Th22a, HNB-MAJ-1-06, in your correspondence.

Call the Land Trust office at (714) 846-1001 for information on attending in person. ***Come show your support for Bolsa Chica!***

Be sure to visit www.bolsachicalandtrust.org for any late-breaking information.

Feb 8, 2007

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

FROM: Evalena Tuell
16252 Honolulu Lane
Huntington Beach, CA 92649-2308

Reference Item #Th22a, HNB-MAJ-1-06. Any encroachment in ESHA buffers is unacceptable.

Cordially,

Evalena Tuell Evalena Tuell

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Feb 8, 2007

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

FROM: Max Tuell
16252 Honolulu Lane
Huntington Beach, CA 92649-2308

Reference Item #Th22a, HNB-MAJ-1-06. Any encroachment in ESHA buffers is unacceptable.

Cordially,

Max Tuell

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FEB 9 2007
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122

Attn: Meg Vaughn 2/09/2007
Reference item# Th22a, HNB-MAJ-1-06

I received another notice on the Upper Bolsa Chica Wetlands.
Regarding another builder wishing to develop within the wild life habitat.

I feel compelled to voice my **complete disapproval** to any development consideration by the California Coastal Commission.
Don't consider opening the flood gates for any development. Preserve this small sanctuary for us and future generations to enjoy.
Just say NO to any and all requests, bribes or threats from any and all developers – whose interests are purely selfish and for monetary reasons only!
As a HB resident since 1967, I and the community have been voicing our opinion on this matter for years; we do not want development in the Wetland! Please stop the *monetary madness!*
God willing - let your conscious be your guide.

Sincerely,

Patti Garrity Chase McQuade

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George Nettels - 5151 Sparrow Drive - Huntington Beach, CA 92649-1439

February 8, 2007

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

Reference: #TH22a, HNB-MAJ-1-06 – Upper Bolsa Chica Wetlands, Huntington Beach

Dear Ms. Vaughn:

It is my understanding that the developer wants to place limited development within the habitat buffer zone in the Upper Bolsa Chica Wetlands in Huntington Beach. I am against this encroachment, find it unacceptable due to the potential destruction within that sensitive habitat.

I strongly urge you to vote against the encroachment in the ESHA buffer area.

Thank you, Ms. Vaughn.

Sincerely,

George Nettels
glnettels@msn.com
714-891-4199

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South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

JACK O. VANCE
Management Research, Inc.
[illegible] VENTURE DR.
HUNTINGTON BEACH, CA 92648
714-840-7875

FAX TRANSMISSION COVER SHEET

(562) 590-5084

TO: Calif. Coastal Commission - Attn: Meg Vaughn
(Reference item #TH 22a HNB-MAJ-1-06)

FROM: Jack O. Vance - FAX: (714) 840-6908

NO. OF PAGES (including cover sheet) 1

Comments:

I belive that any encroachment in ESHA buffers is unacceptable. Please let us retain this open Wetlands space. There are other places for development that isn't the home of environmentally sensitive Species. Thank you Jack + Dori Vance

If you do not receive all of the pages of this Fax Transmission, please call Jack Vance at (714) 840-7875. Thank you.

(Huntington Harbor 25 year residents)

RECEIVED
South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

Edwin A. Robertson
19421 MacGregor Circle
Huntington Beach, CA 93648

To: Meg Vaughn
California Coastal Comm.

Date: 02/08/2007

Fax: 562-590-5084

Phone:

Ref: Upper Bolsa Chica Wetlands Habitat

Pages: 1

From: Rosemary Robertson
Ed Robertson

Comments:

At your meeting on Thursday February 15 and any future meetings, please resist any proposals that will cause encroachment in the ESHA buffer of the above habitat.

It has taken years and the dedicated efforts of many residents and friends to get to the stage where the habitat is beginning to revert to the natural refuge all of the residents and visitors had dreamed to achieve. We implore you to continue to support our efforts in returning a very small but not insignificant parcel of our cherished coastal land to a protected sanctuary for an increasing number of environmentally sensitive species.

To begin chipping away on the fringes, is an open invitation for other developers and projects to press forward with additional self-indulgent schemes of pride and profit. Of course, however well meant, each new encroachment will provide pleasure for a small segment of the community, at the expense of community at large and all future visitors....and more significantly, life threatening circumstances to the wetlands natural residents.

For most of the natural residents of the upper Bolsa Chica wetlands the only acceptable residential density is ZERO.

Please continue the limited expansion of the wetlands whenever possible, and if you require additional moral or monetary support we and our neighbors can be counted upon to step forward.

Thanks in advance for your thoughtful consideration.

Rosemary Robertson Ed Roberts

Tel 714-969-5241 Fax 714-374-5822

CHARLES A. MOLLIS
5222 Pearce Drive
Huntington Beach, CA 92649

February 9, 2007

RECEIVED
South Coast Region
FEB 9 2007
CALIFORNIA
COASTAL COMMISSION

Via Facsimile (562) 590-5084 & U.S. Mail
California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Item #Th22a, HNB-MAJ-1-06
Upper Bolsa Chica Wetlands

Dear Ms. Vaughn:

I am a resident of Huntington Beach at 5222 Pearce Drive and have just found that there is another subversive attempt by a greedy developer to build on yet more beautiful and protected land that helps sustain the quality of life here. I find it not only unacceptable, but grossly offensive. My neighbors share the same sentiments as I do.

Any encroachment in the Environmentally Sensitive Buffer Zone is unacceptable.

Thank you.

Very truly yours,

Charles A. Mollis

CAM:eht

N:\CAM\2007\Vaughn 020907 ltr.wpd

February 9, 2007

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

RE: Item #Th22a, HNB-MAJ-1-06

Any encroachment in Environmentally Sensitive Habitat Areas is completely unacceptable in the Upper Bolsa Chica Wetlands. Please vote NO on the developer's request to develop within the habitat buffer zone..

Thank you,

Robert and Sandra Brimer
17121 Friml Lane
Huntington Beach, CA 92649

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Women Airforce Service Pilots, WWII

February 7th, 2007

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

Dear Commissioner Meg Vaughn,

In reference to the public hearing of the Coastal Commission on the Upper Bolsa Chica Wetlands on Febrauary 15th that would change 50 acres of open space wetlands into low density residential is unexeptable, This land is home to White tailed kites, Cooper's Hawks, California Gnatcaters, Southern Tarplant, and other environmentally sensitive species.

Please vote no on #Th22a, HNB-Maj-06. Once this land is developed it is forever gone from the original owners of the land. So much of the Wetlands and Mesas are gone forever. Somewhere along the line some commissioners were making decisions for the land owner. The Land Owner does have the right to do this. It just seems to me we would like to have the chance to save this land. Find the money for the Land Owner. Shea would leave a legacy forever if they would keep it as close to what nature had intended it to be and save the home for the endangered birds and plants.

You are privileged to make your vote no count to save the 50 aceres.

Sincerely,

Vi Cowden

Vi Cowden
Director of the Bolsa Chica Land Trust

CALIFORNIA COASTAL COMMISSION
FEB 8 2007
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South Coast Region

Vi Cowden • 124 16th St., #1, Huntington Beach, CA 92648
714-536-0796 • Fax 714 969 1746 • E-mail: vit@primenet.com

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th floor
Long Beach, Cal. 90802-4416

January 8, 2007

Dear Ms. Vaughn:

Just a short fax requesting your consideration on Item #Th22a, HBN-MAJ-1-06. The public hearing scheduled for Thursday, February 15 in San Diego is a developer requesting a change of 50 acres of open space wetlands to low-density residential.

The developer wishes to place this limited development within a habitat buffer zone. We request that you deny any limited development or encroachment within Environmentally Sensitive Habitat Areas.

We have lived in this area since 1980 and have seen development slowly erode away wetland areas that are home to sensitive species. We hope that you will agree with many of us who reside in the area and deny any encroachment in this area.

Thank you for your time and consideration.

Byron S. and Marcia E. Atkinson
17941 Shoreham Ln.
Huntington Beach, Cal. 92649
714-846-6802

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Melanie Manning
1705 Park Street
Huntington Beach, CA 92648
(714)536-5087

February 8, 2007

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

Re: Item#Th22a, HNB-MAJ-1-06

Dear Ms. Vaughn,

Please add my voice to the many that oppose ANY development within the Bolsa Chica Wetlands habitat buffer zone. Any encroachment in ESHA buffers is contrary to the spirit and letter of the Coastal Commission objectives. It is certainly offensive to those of us who have worked tirelessly to preserve the space in its entirety. Low-density residential development is simply not in keeping with the current approved use of the 50 acres of open space in question.

Thank you for considering this position.

Respectfully,

Melanie Manning

February 8,2007

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear Ms. Vaughn,

I am writing to you regarding the up-coming meeting of the California Coastal Commission on February 15th. to discuss this matter.

I am a 30+ year resident of Huntington Beach and have seen our wetlands area squeezed and changed over the years. Now I understand the developers wish to violate the Bolsa Chica Wedlands once again by placing limited development within the habitat buffer zone that has been established. Any encroachment in the ESHA buffers is totally unacceptable in this environmentally sensitive area.

Please protect our wetlands!!!! Thank you.

Sincerely,

Barbara Rose

Barbara Rose
17281 Blue Fox Circle
Huntington Beach, CA. 92647
(714) 842-7049

562 590-5084

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FEB 8 2007

CALIFORNIA
COASTAL COMMISSION

February 8, 2007

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

Subject: Upper Bolsa Chica Wetlands
Ref# #TH22a, HNB-MAJ-1-06

I wish to pledge my support to stop development of our wetlands. The coastal commission was put in place to stop this development that is destroying our wild life, our wetlands and the quality of all human life. Mankind is part of the circle of life and we must take care of our wetlands not only for now but also for future generations.

Please stop this development.

Low-density development is another word for destruction.

Huntington Beach Resident 37 years
Taxpayer 50 years
Human Race all my life

Cheryl E. Keen
17371 Caspers Circle
Huntington Beach, Ca
92647

Cheryl Keen

133

2007-Feb-08 11:06 AM Clarion Corporation of America 3102174243

1/1

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

February 7, 2007

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

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"Th-22a"

By FAX: 562-590-5084

Dear Sirs:

We are writing with regards to the wetlands in Huntington Beach, and specifically to the parcel of the wetlands owned by Shea Property.

We have lived in Huntington Beach for the past 20 years, and one of the reasons we chose to live there was the open space of the wetlands and the belief that our children and grandchildren would have to opportunity to enjoy this expanse of nature.

We would like to therefore support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

Ask the commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlines in Exhibit L.

We ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect the wildlife and that any Natural Treatment System (NTS) be constructed "outside" of the ESHA buffers.

While we realize that homes are important to everyone, we also know that the quality of life is equally important, and building more homes in such an environmentally fragile area would be a huge mistake. Any area that can be saved for the benefit of the wildlife and the enjoyment of the many many people that make a point of visiting to enjoy the area would seem to us to be very short sighted.

Please help us save this small area of every decreasing wetlands.

June Ross

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

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COASTAL COMMISSION

FROM: Dr. & Mrs. James L. Grimes
8591 Mossford Drive
Huntington Beach, CA 92646

RE: Upper Bolsa Chica Wetlands Hearing 2/15/07

DATE: February 7, 2007

This is to inform you that we feel **very strongly** that the proposal to change 50 acres of open space wetlands into a residential area is **outrageous**! Any encroachment in ESHA buffers is unacceptable. This land is already home to many environmentally sensitive species.

february 12, 2007

California Coastal commission,
Attn: meg vaughn,
200 oceangate, 10th floor,
Long beach, CA, 90802-4416

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Dear california coastal commission,

recently heard about a developer who wants to place limited development within the habitat buffer zone in the upper Bolsa chica wetlands. Any encroachment in ESHA buffers is unacceptable!

Bolsa chica is home to environmentally sensitive species such as; white-tailed kites coopers hawks, and southern Tarplant. Development in this area would be detramental to our environment.

Keep Bolsa chica healthy, it is our environment and our responsibility.

Reference Item # Th 22a, HNB-MAJ-1-06

Sincerely, Kristy Kirkland
(714) 717-9628

136

Nancy Bucciarelli, MD and Edward Rohaly, MD
6695 Pageant Drive
Huntington Beach, CA 92648
February 12, 2007

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COASTAL COMMISSION

California Coastal Commission
Ms. Meg Vaughn
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

Dear Ms. Vaughn,

We have lived in Huntington Beach for the past ten years. Bolsa Chica is a beautiful, necessary wetland area which provides homes and resting areas for a large number of different species. In the fall and winter it is amazing to see the different birds that utilize this special place. The thought of even constructing "low density" housing within the buffer zone is not acceptable.

Building is this sensitive area is going to hurt wildlife in so many ways. Development will stress this unique ecosystem. Pollution, runoff, pesticides, trash, cars, noise, pets and the like can only destroy what little is left of the wetlands. The development of this expensive dwelling is going to be parasitic. A few, new, unenlightened, non-thinking home-owners will be happy at the cost of so much to the environment, wildlife, and the people of Huntington Beach.

I urge you and the Coastal Commission to deny this development plan. Building on the wetlands is wrong. The people of Huntington Beach do not want it.

Thank you for your time.

Sincerely,

Nancy Bucciarelli, MD

Edward Rohaly, MD

137

Nancy Bucciarelli, MD and Edward Rohaly, MD
6695 Pageant Drive
Huntington Beach, CA 92648
February 12, 2007

California Coastal Commission
Ms. Meg Vaughn
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

Dear Ms. Vaughn,

We have lived in Huntington Beach for the past ten years. Bolsa Chica is a beautiful, necessary wetland area which provides homes and resting areas for a large number of different species. In the fall and winter it is amazing to see the different birds that utilize this special place. The thought of even constructing "low density" housing within the buffer zone is not acceptable.

Building in this sensitive area is going to hurt wildlife in so many ways. Development will stress this unique ecosystem. Pollution, runoff, pesticides, trash, cars, noise, pets and the like can only destroy what little is left of the wetlands. The development of this expensive dwelling is going to be parasitic. A few, new, unenlightened, non-thinking home-owners will be happy at the cost of so much to the environment, wildlife, and the people of Huntington Beach.

I urge you and the Coastal Commission to deny this development plan. Building on the wetlands is wrong. The people of Huntington Beach do not want it.

Thank you for your time.

Sincerely,

Nancy Bucciarelli, MD

Edward Rohaly, MD

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COASTAL COMMISSION

Reference Item # Th 22a, HNB MAJ-1-06

CHARLES W. LEATHERWOOD
19602 Elm Ridge Lane
Huntington Beach, CA 92648
714-374-6151 (home), 714-374-6171 (fax)
e-mail: charleswl@aol.com

I am writing to express my opposition to the placement of low density housing in the Bolsa Chica habitat buffer zone. This buffer zone is of the same value to the sensitive species of plants and wild life as the area that is designated wetlands.
The Coastal Commission is the last hope for our Wet Lands. When these properties are lost to development the will be gone foe ever.

Thank You.

Chuck Leatherwood

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FEB 13 2007

CALIFORNIA
COASTAL COMMISSION

Th-22a

February 12, 2007

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

RE: Item Th 22a - Major Amendment Request No. 1-06 to the City of Huntington Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the February 15, 2007 meeting in San Diego).

Dear Mr. Kruer and Members of the Commission:

1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

I currently walk and run by this area at least twice a week. You see raptors, coyotes and currently a flock of Canadian Geese, (right in the middle of the field!).

I have lived in Huntington Beach for 43 years and most winters, with the exception of drought years, this area is flooded. Two years ago it flooded so much that water leaked into the backyards of adjacent homes fronting on Kenilworth Drive, drained to their front yards and out to the street. This went on for at least two weeks if not longer.

This is a very special area with unique features. So much of our wildlife and habitats and environments have been destroyed in Orange County. Please consider the four points listed above.

Sincerely,

Bridget Byrne
5032 Phillippine Circle
Hunt. Bch. CA 92649-1446

140

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February 10, 2007

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear Meg,

Commission staff have already verified the existence of wetlands on the site, as well as called for the eucalyptus groves to be designated as Environmentally Sensitive Habitat Areas (ESHA). Please do not allow the developers to encroach on the 50 acres of open space wetlands that is home to White-tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant and other environmentally sensitive species.

I thank you in advance for your attention on this matter.

Cynthia George
PO Box 7190
Buena Park CA 90622-7190

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COASTAL COMMISSION

Judy Yancey
Huntington Beach, CA 92647

February 12, 2007

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear California Coastal Commission,

Thank you for hearing all sides of the proposed development on the Upper Bolsa Chica Wetlands. We know how important the Coastal Commission is and we are grateful for your dedicated duty!

I respectfully request that you **deny the development**. This is not about Man vs Nature or Builder vs Environmentalist.
This is about our children and their children and their children's children. It is our job, as the ones who God has blessed to have dominion over all the Earth, to make sure it is done with the future of our children in mind.

Making a difference is in the hands of the *People* because only *People* are worth making a difference for! *People* are the reason all decisions are made. The water we work hard to clean and then keep pure waters the crops that we eat – this is for *People*. The animals eat the crops and we eat the animals – this is for *People*. I know you are already very knowledgeable regarding all the benefits of natural areas, especially the ESHA Buffers that your denial will protect.
We work hard to keep the air clean because it is what the *People* breathe along with all the living things that *People* need to stay alive – lumber, crops, etc!

Past mistakes – DDT, smog, tobacco, asbestos, etc., - brought even larger problems because the quick needs of the 'now' was the main decision making process. These past mistakes continue to be costly to all and affect everyone. However, that is the past and we have seen and learned from these past mistakes. Decisions made for the 'now' do not bring abundance, it brings further problems – problems that are usually quite costly to solve or cannot be reversed at all.

The Coastal Commission was formed so that those decisions affecting the *people* were to review by *people* such as you.
Because of urban development structures, many people don't even know what wildlife is. They have never been in the clean open area with the wonderful smells and sounds of abundant nature! Every living thing is beneficial for human life - *People*. Please make your denial decision to protect it!

You have the power and can make a difference with your denial decision 'because decisions benefiting all people are what make the difference.'

Thank you for your time and consideration.

I pray THE LORD gives you HIS Discernment and Wisdom all the days of your life through Our LORD and SAVIOR JESUS CHRIST!

God Bless you always! Warmest Regards,
Judy Yancey , Huntington Beach, CA 92647

Feb. 9, 2007

Meg Vaughn - CA Coastal Commission
Ref. Item # Th 22a, # HNB-MAJ-1-06

I find it very hard to believe Shea Homes claim that building housing on the environmentally sensitive habitat area will protect the wetlands or species, provide trails parks and open space and save the area from flooding all while adding more pavement, houses, traffic, etc.

Why would we encourage such use of one of the few buffer zones left, just because they say that some people could have their flood insurance reduced?

May the Coastal Commission have a wide vision for the future when this matter is addressed.

Sincerely,

Louise K. Simpson
17111 St. Andrews Dr.
Huntington Beach, CA 92649

143

Th-22a

Dear Ms. Vaughn,

In regard to the Sheer property in Huntington Beach, I support the staff's recommendation to deny HNB-MAJ-1-06 as submitted. I also ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife. I thank you for your consideration.

Sincerely,

Jordi Fisher
Hunt. Bch

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TH 22A, HNB-MAJ-1-06

Please do nothing to this habitat in San Diego. We want to encourage these birds to stay.

Margaret & Martha Rizzo

1824 Park St.
HB. 92648

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COASTAL COMMISSION

ACTION ALERT!

California Coastal Commission
Public Hearing on Upper Bolsa Chica Wetlands

Thursday, February 15, 2007
Item Th22a; 1pm-5pm (time approx.)

Catamaran Resort Hotel in San Diego, CA

This public hearing would change 50 acres of open space wetlands into low-density residential. This land is home to White-tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant, and other environmentally sensitive species.

The developer wishes to place limited development within the habitat buffer zone. **We need YOU to tell the Commissioners that any encroachment in ESHA buffers is unacceptable!** Please write or fax (562) 590-5084 *no later than February 12*:

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

Reference Item #Th22a, HNB-MAJ-1-06, in your correspondence.

Call the Land Trust office at (714) 846-1001 for information on attending in person. ***Come show your support for Bolsa Chica!***

Mr. Michael H Noon
5442 Bankton Dr
Huntington Beach, CA 92649

Be sure to any late-breaking information.

STRONGLY OPPOSE THE COASTAL COMMISSIONS APPROVAL AND PARKSIDE ESTATES

THANK YOU.
Michael H Noon

7-19-'07

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th floor
Long Beach, Ca. 90802-4416

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JUL 23 2007
CALIFORNIA
COASTAL COMMISSION

Ref. Item # Th 22a, HNB-MAJ-1-06

Dear Ms. Vaughn

We are urging you to vote against any development in ESHA buffers. Since the recent improvement of the wetlands along the Wintersburg Channel, we have seen huge numbers of migrating waterfowl there this winter — something we haven't seen in past years.

All of the wetlands remaining needs to be preserved.

Thank you,
Hazel & Ernest Koenker
5851 Brannen Dr.
Huntington Beach, Ca. 92649

2/8/07

To: California Coastal Commission

Please!!
Encroachment into ESHA buffers is <u>unacceptable</u> at Bolsa Chica. That would destroy the meaning of the buffer itself. We do not need building within the buffer zone.

David R Bragg
Cerritos 90703

Ref. Item # Th 22a, HNB-MAJ-1-06

148

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COASTAL COMMISSION

2-9-07

Dear Greg VAUGHN

IT IS UNACCEPTABLE
TO Guila in the
Buffer Zone.
Ref ITEM S #TH22A.
HNB-MAJ-1-06
Sincerely Sieglinde Sumner

149

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FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

February 13, 2007

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

Ref: #Th22a, HNB-MAJ-1-06

Dear Ms. Vaughn,

We urge you to deny any development within the wetland area noted in the above reference.

We believe that any encroachment in ESHA buffers is unacceptable.

Thank you for your consideration.

Regards,

Jeff and Laura Pratto
17902 Denvale Circle
Huntington Beach, CA 92649

Faxed to 562-590-5084

150

Feb 8, 2007

Reference Item # TH 22a,
HNB-MAJ-1-06

Dear Ms. Vaughn - Calif coastal Commission
Please do not rule in favor of permitting any additional developement of the Upper Botsa Chica Wetlands. There is so little coastal access and building homes would take away even more of our shrinking habitats for the local birds and animals.
I pay for Flood insurance now and would benefit from a reduction in Manditory flood insurance but I am willing to continue paying rather than sacrifice the wetlands.
I believe the Wetlands will be an important buffer to storm tides and increasing water levels from Global Warming.

Yours truely,
Michael S. Heyn

Michael S. Heyn
17901 Wellbank Lane
Huntington Beach CA
92649

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South Coast Region
FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

2/8/07

Reference Item
#TH22a, HNB-MAJ-1-06

Dear Meg Vaughn,
I am opposed to any further home building in the Bolsa Chica Wetlands. I believe more home building would be detrimental to the wildlife and would cut off access for people who wish to visit the Wetlands.

Please don't rule in favor of building more homes in the Upper Bolsa Chica Wetlands. It only favors Rich people who can afford expensive homes

Becky Heyn
Becky L. Heyn
17401 Wellbank Lane
Huntington Beach CA
92649

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FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

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California Coastal Commission,
Att Meg Vaugh
200 Oceangate 10th Floor
Long Beach Ca 90802

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South Coast Region
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CALIFORNIA
COASTAL COMMISSION

Dear Commissioners,

I am writing as I strongly support your staff recommendation not to approve HNB-MAJ-1-06 as submitted.

Please will you review the proposal for wetlands as I think there are more than shown in the Exhibit

The wildlife living there needs protection too. 2 ESHA buffer areas of 100 meters each cojoined would be minimum. Also any Natural Treatment system should be outside the buffers

I appreciate very much your work and I believe that any change in Californian wetlands need deep consideration. We have lost so much and it is vital to the well being of resident wildlife and also migrating birds.

Yours sincerely

Harriet F Bemus

2631 Wainwright Dr
Newport Beach
CA 92663

HNB-MAJ-1-06, Exhibit HH
Page 107 of 133

Margaret I. Kent
16444 Bolsa Chica St Spc 151
Huntington Beach, CA 92649-2662

Feb 9. 07

attention: Meg Vaughn

ref.# Th22a, HNB-MAJ-1-0

Encroachment in the ESHA buffers is unacceptable!

It defeats the purpose of restoring our wetlands.

Thank you for your consideration!

M. Kent

February 10, 2007

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

Re: #Th22a, HNB-MAJ-1-06

I am writing this letter to request that you do not allow the development within the habitat buffer zone of the Bolsa Chica Wetlands.

Please keep this natural habitat safe from destruction. This land is home to White-tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant and other environmentally sensitive species.

Sincerely,

Linda Hicks
5701 Rogers Drive
Huntington Beach, CA 92649

Friday
February 9, 2007

Dear Meg Vaughn,

I am writing to you in regards to the Hearing on Upper Bolsa Chica Wetlands. (Reference Item # Th 22a, HNB-MAJ-1-06)

Please no more building on the Bolsa Chica Wetlands. At the present time the inventory of unsold homes is very high. We do not need any more traffic that homes would cause on the Pacific Coast Highway.

It is so wonderful to pass by the wetlands and to see the beautiful open spaces. The wetlands are a legacy to our children and grandchildren. Please any encroachment in ESHA buffers is unacceptable.

Thank You for reading my little letter.

Sincerely,

Mrs. Genevieve Valon
16631 Peale Lane
Huntington Beach, Calif.
92649

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Mrs. Anne E. Littler-Brown
13524 Rose Street
Cerritos, CA 90701-4813

HNB-MAJ-1-06 Exhibit
Page 1 of 6

Reference Item #Th22a, HNB-MAJ-1-06

562 590-5084

February 8, 2007

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

Subject: `Upper Bolsa Chica Wetlands
Ref# #TH22a, HNB-MAJ-1-06

I wish to pledge my support to stop development of our wetlands. The coastal commission was put in place to stop this development that is destroying our wild life, our wetlands and the quality of all human life. Mankind is part of the circle of life and we must take care of our wetlands not only for now but also for future generations.

Please stop this development.

Low-density development is another word for destruction.

Huntington Beach Resident 37 years
Taxpayer 50 years
Human Race all my life

Cheryl E. Keen
17371 Caspers Circle
Huntington Beach, Ca
92647

Cheryl Keen

158

Th22a

17071 Berlin Lane
Huntington Beach, CA 92649

February 7, 2007

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

Reference: HNB-MAJ-1-06

Dear Ms. Vaughn:

I support staff's recommendation to *DENY* HNB-MAJ-1-06 as submitted.

I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L. The entire subject parcel is part of the Bolsa Chica wetlands system, despite the owner's ongoing efforts and tactics to convert it to something else. In addition to the presence of ponding and wetland plant species, which have been well-documented on the site, the fact that the subject parcel is one to two feet below sea level and requires overexcavation, dewatering, and 260,000+ cubic yards of imported fill material (approximately 13,000 truck trips) to make it suitable for building should provide evidence enough that the site is a wetland and not suited for residential development.

The California Coastal Commission is tasked with protecting the functions and values of the wetlands in my watershed. If the California Coastal Commission allows the subject parcel to be drained, filled, and developed, they will destroy habitat for endangered wildlife and plant species, which have been well-documented on the site, further degrade my watershed's water quality due to increased pollution and storm water runoff, increase the surrounding area's vulnerability to flooding, and eliminate scarce open space and yet another vital productive ecosystem from our coastal area.

In regards to ESHA buffers, at a minimum, the Commission should require 100 meter buffer areas for ESHAs. Furthermore, ESHA buffer areas on the site should be conjoined to better protect wildlife. If any Natural Treatment System (NTS) is constructed on the site, it should be constructed *OUTSIDE* of the ESHA buffers to protect wildlife.

Respectfully submitted,

Sara M. Mathis

Sara M. Mathis

Feb 9, '07

Dear Coastal Commission,

Please, continue to do the "right thing"! Do not let there be any encroachment in ESHA buffers!

Thank You,
Adrea Stoker
5157 El Roble St
Long Beach, CA 90815

160

RECEIVED
[illegible] Region
[illegible]
CALIFORNIA
COASTAL COMMISSION

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

Reference Item #Th 22d, HNB-MAJ-1-06.

I am in support with the Bolsa Chica Land Trust of not building any homes on the Upper Bolsa Chica Wet Lands (50 ACRES) facing Graham Ave. So of Warner Ave, Huntington Beach Calif. because of rare birds and rare plants such as California Gnatcatchers, Southern Tarplant and other environmentally sensitive species.

The storm drain shea homes are planning is a farce. I will not stop a Hurricane with a 40 ft wall of water like Long Beach and San Pedro Harbors had in 1938-39 nor will it stop a tidal wave like Crescent City had. If it wasn't the building up 40 ft of the Corona flood Control Dam I assure you it not stop the flooding of 10 ft of water in upper Bolsa Chico Wetlands.

161

Traffic 1st [illegible] Grammer School K Threw 8th Grades Traffic was reasonable

HNB-MAJ-1-06, Exhibit HH
Page 115 of 133

→ OVER →

~~Ref~~ Item: Th 22a, HNB-MAJ
1-06

Jan 7, 07

Dear Meg,

I can't attend Feb 15th meeting re: Upper Bolsa Chica Wetlands because I broke my leg.

For decades I've helped fight to preserve this last piece of wildlife land (except Banning Ranch).

It would be criminal to permit any development on the upper wetlands: home to kites, Cooper Hawks, gnatcatchers, tar-plant etc.

Any encroachment in ESHA buffers is unacceptable.

Thank you,

Kathleen Cray
405 Canal St
Newport Beach
92663

HNB-MAJ-1-06, Exhibit HH
Page 116 of 133

162

CHARLES A. MOLLIS
5222 Pearce Drive
Huntington Beach, CA 92649

February 9, 2007

Via Facsimile (562) 590-5084 & U.S. Mail
California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Item #Th22a, HNB-MAJ-1-06
Upper Bolsa Chica Wetlands

Dear Ms. Vaughn:

I am a resident of Huntington Beach at 5222 Pearce Drive and have just found that there is another subversive attempt by a greedy developer to build on yet more beautiful and protected land that helps sustain the quality of life here. I find it not only unacceptable, but grossly offensive. My neighbors share the same sentiments as I do.

Any encroachment in the Environmentally Sensitive Buffer Zone is unacceptable.

Thank you.

Very truly yours,

Charles A. Mollis

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February 9, 2007

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

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Dear Meg Vaughn:

Any encroachment in ESHA buffer is unacceptable to me! I am a native of the State of California and in my lifetime I have seen greedy people taking over our coastline, distroying the habitate of all wildlife, birds, bees, plants, everything, which makes me very angry.

People can live anywhere, birds, animals, etc, cannot. They cannot go to a market for food, people do it every day! I am ashamed of those greedy humans who think they have to have it all. And one day if they continue to distroy the ecology they will discover they have destroyed themselves. This is a Magical Planet Leave it alone! Think about it.

Sincerely,

Geraldine J. [illegible]

164

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

Re. Item #Th22a, HNB-MAJ-1-06, (Possible development within a designated habitat buffer zone)

The 50 acres of open space wetlands within the subject area is Home to White tailed kites, Cooper's Hawks, California Gnatcatchers, Southern Tarplant, and other environmentally sensitive species. Any development, whatsoever, within this area would be a tragedy and should not be permitted under any circumstances!

As long term residents of the city of Huntington Beach we are vitally concerned in preserving the precious, but few remaining, areas such as these along our coast. Please do not permit any development within this area.

Sincerely,

Charles and Maryann Rozzelle
9402 Daytona Circle
Huntington Beach, CA 92646

165

20852 Hunter Lane
Huntington Bch., CA 92646

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

Dear Ms Vaughn:
Reference Item #Th22a, HNB-MAJ-1-06

Regarding the developer's plan to build out into the habitat buffer zone. This seems to be another example of a developer reneging on an agreement with the public, much like the proposed taking of mitigation land for the Toll Road.
We strongly oppose any action by the developer that does not advance the purpose of the Bolsa Chica wetlands conservation program. These plans by the developer are totally unacceptable. They will damage the environment and abrogate the concept of the wetlands conservation.

Don & Kay Thomas

1606

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FEB 13 2007
CALIFORNIA
COASTAL COMMISSION

February 9, 2007

CALIFORNIA COASTAL COMMISSION
ATTN: MEG VAUGHN
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: #Th22a, HNB-MAJ-1-06

ANY ENCROACHMENT IN ESHA BUFFERS IS UNACCEPTABLE!

We MUST protect our Wetlands. We cannot afford to make mistakes regarding our environment. The health of future generations may very well depend on what we do NOW!

Marilyn Holmberg

MARILYN HOLMBERG
17142 PCH #101
Huntington Beach, CA 92649

167

February 10, 2007

California Coastal Commission
c/o Meg Vaughn
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

RE: Item Th 22a - City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside).

Dear Chariman Kruer and Members of the Commission:

I wish to address the following statement made by the landowner in their brochure sent to Huntington Beach residents this week: "Shea Homes' plan will protect and enhance all natural wetlands on the site, as well as the eucalyptus groves that are home to many local birds of prey." If this is really true, then why are they proposing minor 100 foot buffers for the ESHAs and doing away with the natural WP wetland altogether? I say, hold them to their promises and uphold the Coastal Act!

Section 30250 of the Coastal Act states, in pertinent part:
(a) New residential ... development ... shall be located ... where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

I am gratified to see that CCC staff is proposing 100 meter buffers for the two Eucalyptus groves on site. It is unfortunate that the groves are spaced in such a way that the 100m distance for each does not automatically conjoin the buffers into a single, continuous protective zone for wildlife and habitat. To have the two buffers separated by roughly 50 feet is like forcing wildlife to cross the street without providing an overpass or underpass to get to the other side. While it is highly unlikely a house would be situated within those 50 feet, leaving the area unprotected and vulnerable to human disturbance does not make sense in the overall context of the proposed development and its cumulative impacts.

The Commission addressed this issue in 2002 in its staff report for the Marblehead development (application #5-01-459) in San Clemente. That report reads:

> "Presently, these and other wildlife have potential use of the entire 201 acre site. The proposed development would narrow this use area to approximately 87 acres. In addition to narrowing the area usable by wildlife, the project would significantly intensify use of the site from an open space area with low levels of human activity to...high levels of human activity. This change in intensity of use of the site will introduce significant vectors of disturbance for wildlife. Impacts from the loss of habitat linkages due to physical impediments (e.g. houses, fences and roads), noise, light, domestic animals, and other human activity will intensify at the site. Measurers to ensure the development does not have a significant individual or cumulative adverse impact on coastal

> resources would include maximizing the quantity of open space provided on the site and improving the quality and function of the wildlife habitat that will remain on the site."

Furthermore, Coastal Act section 30007.5 states: *The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.* In order to be "most protective" of resources, and to "improve the quality and function of the wildlife habitat that will remain on the site" as noted above, the two ESHA buffers must be joined into one contiguous buffer area.

I also wish to address the issue of the Wintersburg Pond "WP" wetland that the landowner proposes to eliminate in their January 23, 2007 letter (staff report Exhibit R):

> "...our team's biologists do not feel it would result in a wetland area as viable as could be established if the WP were eliminated and mitigated at the westerly area of the project site to create a larger, consolidated wetland..."

Coincidentally, the Marblehead staff report of 2002 addresses this issue as well:

> "A recent Court of Appeal decision [Bolsa Chica Land Trust v. Superior Court, 71 Cal. App. 4th 493, 83 Cal Rptr. 2d 850 (1999)] speaks to the issue of mitigating the removal of ESHA through development by 'creating' new habitat areas elsewhere....In the decision, the Court held the following: 'The Coastal Act does not permit destruction of an environmentally sensitive habitat area [ESHA] simply because the destruction is mitigated offsite....Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statue do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development.'" (underline added for emphasis)

It is inconvenient for WP to exist as it interferes with the landowner's plans. Thus it was no surprise that within days of the CCC recognizing WP as wetlands, the landowner's lease-holder graded a section of it without CCC approval. Illegal grading activity has happened at least twice before with this property, and both of those times the CCC took enforcement action. It is truly baffling that the WP unpermitted activity remains "under investigation" more than a year after it occurred, particularly given the past history of violations at this site. When you combine the court decision with the illegal grading, it is clear that 1) WP must remain where it is, 2) it must be restored to undo the damage, and 3) there must be a 100 foot buffer placed around the restored WP.

Lastly, I wish to reiterate something I pointed out in my August 31, 2006 letter to the CCC: "Shea Homes bought a piece of land that *the Commission long ago identified as a wetland.*" This is referring to the CCC's own LCP status map

(http://www.coastal.ca.gov/lcp/lcpstatus-map-sc.pdf, also attached) which, to this day, refers to the subject property as "MWD wetland", not "MWD site" as stated in the current staff report. The LCP map makers could very well have used the term "site" and not "wetland." But they didn't. Food for thought.

Please make the landowner keep their "protect and enhance" promises and ensure full compliance with the Coastal Act. Thank you.

Sincerely,

Julie Bixby

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

Enclosure

J. SIXBY attachment

LCP Status
South Coast Area
As of January 1, 2007

Legend

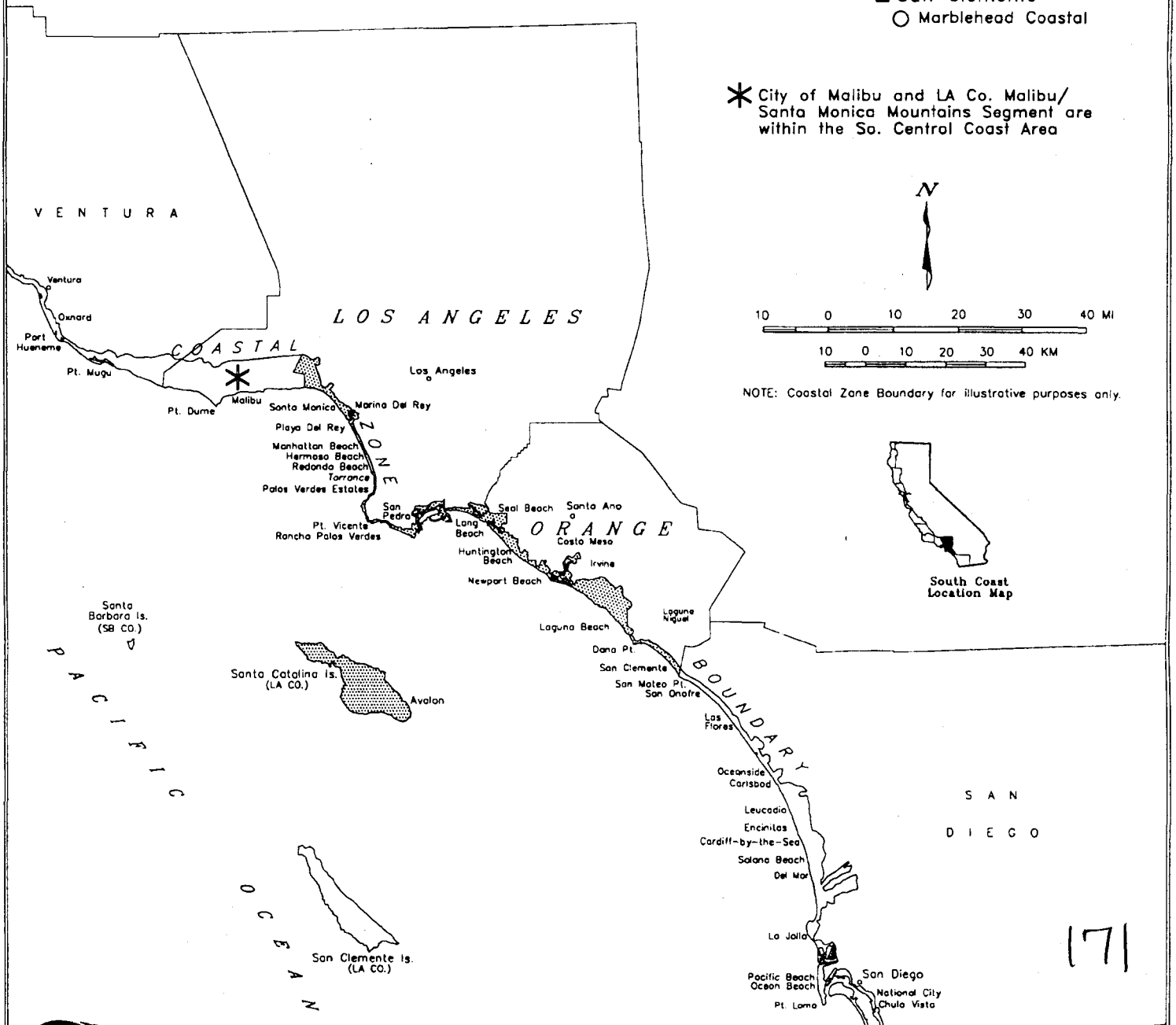
- County LCP Effectively Certified
- City LCP Effectively Certified
- City LUP Effectively Certified
- No LCP/LUP Effectively Certified
- Area of Deferred Certification

Los Angeles County (2 of 4 segments)

- Los Angeles
- Santa Monica
  - Beach
  - Civic Center
- El Segundo
- Manhattan Beach
- Hermosa Beach
- Redondo Beach (1 of 2 segments)
  - Edison Easement
- Torrance
- Palos Verdes Estates
- Rancho Palos Verdes
- Long Beach
  - Cerritos Wetlands
- Avalon

Orange County (4 of 7 segments)

- Seal Beach
- Huntington Beach
  - MWD Wetland
- Costa Mesa
- Newport Beach
- Irvine
- Laguna Beach
  - Irvine Cove
  - Hobo Canyon
  - Blue Lagoon
  - Three Arch Bay
- Laguna Niguel
- Aliso Viejo
- Dana Point
  - Dana Strands
- San Clemente
  - Marblehead Coastal



171

California Coastal Commission
Technical Services Division

HNB-MAJ-1-06, Exhibit HH
Page 125 of 133

DR. JVC. 1/2007

42 Copies Received

Th-22a

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

Dear Ms. Vaughn:

I wish to ask the Commission to DENY the LCPA and CDP for Huntington Beach and Parkside Estates. The project will destroy Environmentally Sensitive Habitat Area (ESHA) and wetlands, and it will have a negative impact on the greater Bolsa Chica ecosystem by putting increased pressure on the raptors and other wildlife in the vicinity. The project will destroy valuable open space, increase traffic and congestion in an already crowded area, and it will lower the quality of life for residents of the surrounding neighborhoods.

In addition, the required dewatering, trenching, and filling of the site will have substantial adverse effects on the adjacent neighborhoods in the form of subsidence, airborne particulates, and lowered property values. **The project will require the removal and recompaction of 470,000 cubic yards (1,410,000 cubic feet) of earth and the importation of another 210,000 cubic yards (630,000 cubic feet) of fill soil from an as yet unnamed off-site source; the imported soil is to be trucked down city streets and will require approximately 37,000 double-trailer truckloads to transport.** This is wholly unacceptable. The addition of approximately 500 new residents and their accompanying vehicles will further clog arterial and existing residential streets, and the adverse human impact on the protected ESHA and wetland parcels will be immediate and permanent.

Shea Homes contends that building Parkside Estates will improve drainage and lessen the potential for flooding, however those claims are in error. Drainage for Parkside Estates will be channeled toward the neighborhood immediately to the north of the proposed development site, and the improvements to the flood control channel will in fact increase the potential for flooding in surrounding neighborhoods should there be a breach in the channel berm upstream or downstream of the project area.

Shea Homes has a long history of illegal trenching, grading, and filling of the wetlands which still exist on the site, and has repeatedly attempted to cover those wetland features by intensive farming, sowing cover crops, and removing wetland vegetation. The project site is home to a multitude of bird species, many of which are raptors or are listed as Species of Special Concern by the CESA and/or FESA. Loss of nesting, roosting, hunting, and foraging habitat will have decisive negative impacts upon these species, not only in the immediate vicinity of the project area, but throughout the greater Bolsa Chica ecosystem as well.

Therefore, for the above listed reasons and others:

1) I support Coastal Commission staff's recommendation to **DENY HNB-MAJ-1-06** as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be a minimum of 100 meters each and conjoined to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

172

Sincerely, Richard Wade Date: 2-9-07

Address: 17102 Greentree Lane

Huntington Beach

Th-22a

5581 Ridgebury Dr.
Huntington Beach, CA 92649
Feb. 9, 2007

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

1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.

2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.

3) I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.

4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.

Yours truly,

Alan J. Schinnerer

3 copies received

173

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

Name or description of the project: Parkside Estates, Huntington BEach

Time/Date of communication: Feb. 1, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu, CA

Person(s) initiating communication: Tony Baumkamp, Mike Joslyn, Donna Andrews, Nancy Lucast, Art Honrighaussen, Ron Metzler, Mary Beth Broeren

Person(s) receiving communication: Sara Wan

Type of communication: Meeting

Discussion focused around wetlands, ESHA and buffers.
Stated thye have done lots of work, including chemical analysis of the soils- disagree on whether or not the AP and WP areas are wetlands.
AP- not disagreeing over soils- reduction in greater than 30 days; CP- 14 days: WP- couldn't do the test- maximum amount of ponding 11 days- hydrology not sufficient in most years to for hydric soils or vegetation
Hydration and duration- 7days vs 14 days- most years not more than 14 days, if use 7 days as a basis it does pond- question is will it lead to vegetation in 7 days? Vegetation data- has been fenced off for 2 years but vegetation has not formed- last year- although not a lot of rain there was high ground water. That high water was in the AP area but not in WP
They estimated ponding from historical record. WP did not have a depression until 1970
Discussed the polygons and what they mean.
They are willing to preserve the AP area but not the WP area.- the water budget confirms WP is different and upland not wetland. They do not agree with Dixon that if left unfarmed WP would behave as CP and that surface ponding at CP and WP are the same
Water budget- size of the water shed for WP is 3 acres, for CP it is 8 acres
Mark Bixby's photos- only take what he wants to show- photos of ponding in CP area in Dec but no ponding either AP or WP but he didn't show that- therefore they don't behave the same way- Dixon didn't do an anaylsis of how long CP ponds- they estimate CP ponds more than 7 days virtually every year but the others only some years

Buffer issue around ESHA- don't agree the northern grove is ESHA- surveys- many years- many species but a quantitative difference in the amount of use by about 1/3 as compared to the other grove even if you use Bixby's data- also this is not a nesting grove- only Cooper's Hawk nesting there and they can nest near residences as proven by the current nest location- Northerly grove is more isolated and associated with the residential area- about 700 feet from the other trees therefore it is not a logical extension of the ESHA

Northern trees have a passive park on one side and an active park on the other side but they do not plan to schedule any activities there-
Since it is not an ESHA do not belive it requires a 100 meter buffer- believe the birds now using this will continue to do so

Balancing- if no project homes around this area would be flooded out because of the opening by USFWS – need to place a vegetated "seawall – levee" around this. This is okay with Dixon
To place the NTS in the buffer area- they are proposing to treat the first flush for the condos nearby and the dry weather flows from about 50% of the surrounding area. Current size only treat 30% and City wants it to treat 50%. This would mean enlarging the NTS to go within 25' of the ESHA. Don't know the precise impact on the southern ESHA area but this provides a regional benefit. It also elevates homes in the area and can provide LOMAR relief from FEMA requirements. Also, balancing- water quality benefits- without this project will not get those benefits.

Sara J Wan

Date: Feb. 3, 2007

Sara Wan

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South Coast Region

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 2/8/07

Location of communication:
(If communication was sent by mail or facsimile, indicate the means of transmission.) La Jolla Calif.

Identity of person(s) initiating communication: DAVE Nesh SR. & DAVE Nesh JR.

Identity of person(s) receiving communication: Patrick Kruer

Name or description of project: 919 Bayside DR. Newport Beach

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

Applicants propose to remove 64 existing apartments built in 1959 and subdivide into a gated custom home community of 17 lots on the water. The Problem & discussion was focused on my concern with a gated community on the water.

2/12/07
Date

Signature of Commissioner

If communication occurred seven 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 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 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.

22a

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FEB 13 2007
CA
COASTAL C

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 2/9/07

Location of communication: Del Mar, Calif.
(If communication was sent by mail or facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: Bruce Resnick, Gabriel Solmer
JO ANNE Pearson, Dave Grubb & Mark Brby

Identity of person(s) receiving communication: Patrick Kruer

Name or description of project: Huntington Beach LCPA No 1-06 (Shea/Parkside)

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

Mark Brby said Cooper Hawks have 3 nesting sites. Also, the presents of the Calif. Gnatcatchers on the property. The Buffers are very important. Like to see 100 meter Buffers. Natural Treatment System should not be in Esha Buffer.

2/12/07
Date

Signature of Commissioner

If communication occurred seven 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 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 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.

RECEIVED
FEB 13 2007
COASTAL COMMISSION

Th, 22.a.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: *Friday, February 9, 2007; 9:30 AM*
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: *Del Mar, CA*
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: *Scott Hess, Ron Metzler, Art Homrighausen, Nancy Lucast, Donna Andrews, Tony Bomkamp, Steve Kaufmann.*

Person(s) receiving communication: *Patrick Kruer*

Name or description of project: *Huntington Beach LCPA 1-06; Parkside Estates (Shea Homes), Agenda Item Thurs, Feb 15, 2007, 22.a.*

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

City Planning Director and affected property owner and consultants indicated that they are in accord with regard to the LCPA and the staff recommendation and described the following:

Major Public benefits of the proposed LCPA include:

- *The City/landowner's newly proposed NTS will treat a larger area than is the subject of this LCPA, resulting in clean water discharges into already impaired water bodies AS WELL AS the wetland habitat benefits that naturally accrue from a natural treatment system.*
- *Large areas of existing, low-elevation development, presently at risk of flooding, will be protected from flooding by virtue of construction of the ultimate project that this LCPA will enable.*
- *Sensitive public access proximate to the Bolsa Chica wetlands.*

Disagreements with Staff Recommendation:

- *"WP" is not a "wetland"; over 20 studies by pre-eminent California wetland scientists attest to that.*
  - *Staff's position is that "WP" could become a wetland in the future. This runs counter to the Commission's and staff's 30-year record of, "we take the land as we find it."*
- *The northern grouping of Eucalyptus trees does <u>not</u> constitute ESHA.*
  - *It is immediately adjacent to long-standing development,*

178

- *any raptor usage is acclimated to this adjacency,*
- *the City's proposed adjacent use is parkland (tot-lot, benches---no lighting or ball fields).*
- *Though this grouping does not qualify as ESHA, the City's LCPA requires that it be preserved and enhanced, and a 100-ft buffer provided.*

City and landowner request that the Commission adopt the staff recommendation, with the exceptions that:

1 *The "WP" not be designated wetland, and*
2 *The northern Eucalyptus trees not be designated as ESHA, and that the buffer thereto be limited to 100 feet, consistent with the Commission's past actions.*

2/12/07
Date

Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven 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 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 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.

179

SheaHomes

Caring since 1881

Our Vision...to be the most respected builder in the country

COASTAL COMMISSION

EXHIBIT # II

PAGE 1 OF 3

March 7, 2007

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

Subject: Huntington Beach LCPA-MAJ-1-06 (Parkside Estates) -- Response to February 4, 2007 Letter from Neighbors for Wintersburg Wetlands Restoration

Dear Ms. Vaughn:

This responds to the subject letter from Mr. Mark Bixby, which was distributed at the Coastal Commission meeting on February 15. In it, he claims, "Staff gave Shea an opportunity to submit such data [on groundwater levels in the CP following the introduction of seawater into the muted tidal pocket]," and that we have declined requests for this data. He also urges Staff to request this information from us.

Mr. Bixby's implication that Shea Homes has withheld data, and/or not cooperated with staff, is an egregiously false characterization of Shea Homes' interaction with staff throughout the LCPA and CDP process for this project.

It is true that groundwater elevation and soil salinity data was collected prior to the Pocket flooding, but groundwater salinity data was not collected at that time. Most of the systematic, widespread groundwater elevation measurements were taken from 1999-2001 and were made available to the Commission and the public via the Shea Parkside EIR. In addition, Shea Homes' consultants advised staff in November 2006 of their intent to begin collecting both groundwater elevation and salinity data, while noting that this was being done for general information purposes, and not to provide information necessary for consideration of the LCPA. Staff requested these data on February 7, 2007 and they were provided on February 8, 2007.

As for Mr. Bixby's observations and theories regarding the possible effects of the Bolsa Chica muted tidal flooding on the Shea Homes property's Southern Eucalyptus ESHA, while interesting they are not relevant to the questions before the Commission relative to the LCPA. Nevertheless, I asked our consultants to respond to Mr. Bixby's letter. Their responses follow.

1. **Rising of groundwater table – Issue:** Both in his letter and in comments on his web site, Mr. Bixby has made statements to the effect that the groundwater table has risen dramatically, implying that the groundwater table is at or near the surface in the low-lying areas. As support for this contention, Mr. Bixby cites his observations of prolonged surface water puddles in this year of low rainfall. **Response:** The two shallowest monitoring wells in the CP area (LSA 10 and LSA 13) have exhibited groundwater at depths ranging from 0.5 feet to 2.3 feet below the

surface. Other wells in the CP have water depths ranging to over six feet. These depths are actually deeper than the depths in the same wells that were recorded from 1999 through 2001. While there are certainly isolated pockets of shallow water, there is clearly no uniformly high groundwater. Furthermore, based on the available data, there is no perceptible increase in groundwater elevations following the introduction of seawater in the pocket.

2. **Decline of Eucalyptus trees – Issue:** Mr. Bixby has recorded observations of declining eucalyptus tree health in the vicinity of the Pocket, and eastward through the entire southern Eucalyptus grove on the Shea property. Mr. Bixby attributes this decline to seawater intrusion associated with the Pocket flooding. Although he does not specifically mention increasing salinity levels as the mechanism for this decline, this is the implication. Mr. Bixby states in his letter that virtually all of the southern Eucalyptus ESHA is being affected. **Response:** The implication that all of the Eucalyptus trees in the Southern ESHA are dying is certainly an overstatement. There are observable pockets of healthy trees throughout the area, and there were observable pockets of dying trees prior to the flooding of the Pocket. Nevertheless it is reasonable to consider whether the tidal flooding is having an effect on the trees. Unfortunately, LSA Associates did not collect any groundwater salinity data prior to the introduction of the Pocket flooding. Groundwater salinity measurements collected on the Shea Homes property beginning in November 2006 have not shown any consistent trends throughout the area since that time. However, it should be noted that groundwater salinity levels are quite high throughout the CP area, ranging from 9 to 37 parts per thousand, with most of the measurements above 15 parts per thousand.[1] It is reasonable to predict that Eucalyptus trees immediately adjacent to the Pocket would have died due to the introduction of seawater, although this apparently was not explicitly considered by the Bolsa Chica Wetlands Steering Committee, or the Coastal Commission during its Coastal Zone Management Act consistency determination. Easterly of the Pocket and into the Shea property, the effect of the Pocket flooding is not as apparent, but it is certainly possible some effect could occur. However, the situation is more complex than Mr. Bixby's theory. For example, it should be noted that the soil in the CP area had high salinity, even before the Pocket flooding, and that these high levels may be due to the fact that the area does not discharge, and that evapotranspiration over long periods of time can increase salinity levels. Regardless of the possible effects of the flooding of the Pocket, the planning and implementation of the Bolsa Chica Restoration is not related to the LCPA, and should have no bearing on it.

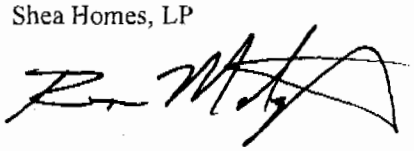
In summary, Mr. Bixby falsely implies that Shea Homes has not cooperated with staff. To the contrary, Shea Homes has gone to extensive lengths to cooperate with staff for more than four years, and has produced more data and documentation relative to wetland issues on the site than for any other project that we are aware of. Further, his assertions about the effects of the Pocket flooding on the Eucalyptus trees in the designated ESHA, while reasonable to consider, are overstated, not entirely consistent with available data. Moreover, these assertions are not relevant to the questions before the Commission with respect to the LCPA.

---

1 The salinity of seawater ranges from 30 to 35 ppt and freshwater is considered 0.5 ppt or less. As such, the areas in the CP exhibit salinities consistent with saltmarsh habitats or others areas with at least some present or historic tidal influence. It is also important to note that high soil salinity measurements for the CP were obtained prior to the flooding of the pocket.

This letter, along with the submission of the Shape files requested by Dr. Dixon, which were transmitted electronically today, concludes our responses to all matters requested of us by Staff at and following the February hearing. We respectfully request to be agendized in May in San Pedro, as we have previously discussed with Staff.

Sincerely,
Shea Homes, LP



Ron Metzler
Vice President, Planning and Entitlement

c: Sherilyn Sarb
Karl Schwing
John Dixon, Ph.D.
Mark Johnsson, Ph.D.

Coastal Law Enforcement Action Network

CLEAN

enforcing laws protecting the California coast

322 Culver Blvd., Suite 317
Playa del Rey, CA 90293
(310) 821-9045 ~ facsimile: (310) 448-1219

Rec'd @ Hearing 2/15/07

February 15, 2007

The Honorable Patrick Kruer, Chair, California Coastal Commission
& Honorable California Coastal Commissioners
and Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

item: **TH 22 a**

RE: Bolsa Chica Wintersburg Wetland - Shea/Parkside: Major Amendment Request No. 1-06 to the City of Huntington Beach Certified Local Coastal Program

Dear Commission Chair Kruer, Commissioners and Mr. Douglas:

Please include the same language in your staff report which you have included in other staff reports where there are acknowledged violations of the California Coastal Act. Evidence of these violations include documentation in the footnote to the staff report on page 29, and other violations are documented in the staff's addendum, dated February 13, 2007, on page 7. **If you are to approve this LCPA, it is very important that this language be included in your findings.**

This language mirrors the language the Commission included in its approval of a permit for Southern California Gas Company last month. (**APPLICATION NUMBER:** 5-06-174) We have spoken with your enforcement staff, and they have indicated they support inclusion of this language in the findings of your approval.

COASTAL COMMISSION

EXHIBIT # JJ
PAGE 1 OF 20

HNB-MAJ-1-06, Exhibit JJ
Page 1 of 20

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

C. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit. Unpermitted development on the site includes the placement of fill material in wetlands and unpermitted fill and unpermitted removal of wetland vegetation as documented in the staff report, addendum and in the public record. Although unpermitted development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it imply any finding of legality of any development undertaken on the subject site without a coastal development permit.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

While LCP Amendments and permit applications have been approved in the past, it is an accepted custom of this Commission to include this language so as not to undermine potential enforcement actions by the Commission or by citizen groups which have the same ability to enforce the Coastal Act as the Commission does.

Also, for your information and consideration, Coastal Law Enforcement Action Network filed a citizens' enforcement complaint in Orange County Superior Court yesterday related to the numerous violations of the law undertaken by Shea on the Wintersburg Wetlands at Bolsa Chica.

With best regards,

Marcia Hanscom
Managing Director

COPY

Th22a

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Facsimile: (415) 449-6990

Attorneys for Plaintiff:
COASTAL LAW ENFORCEMENT ACTION NETWORK

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
FEB 14 2007
ALAN SLATER, Clerk of the Court
BY: M. SAMELA, DEPUTY

Rec'd @ Hearing 2/15/07

SUPERIOR COURT OF THE STATE OF CALIFORNIA

BY FAX

IN AND FOR THE COUNTY OF ORANGE

UNLIMITED JURISDICTION

COASTAL LAW ENFORCEMENT ACTION NETWORK, a project of the International Humanities Center,

Plaintiff,

v.

SHEA HOMES LIMITED PARTNERSHIP, SOUTHERN CALIFORNIA DIVISION and DOES 1-100, Inclusive,

Defendants.

CASE NO.: 07CC02895

COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, AND CIVIL FINES FOR VIOLATIONS OF THE CALIFORNIA COASTAL ACT

[Public Resources Code § 30000 et seq.]

JUDGE JAMES P. GRAY
DEPT. C9

NOW COMES Plaintiff, COASTAL LAW ENFORCEMENT ACTION NETWORK (hereafter, "CLEAN"), by and through its counsel of record, and for its complaint against Defendants SHEA HOMES LIMITED PARTNERSHIP, SOUTHERN CALIFORNIA DIVISION, and DOES 1-100, Inclusive (hereafter, "DEFENDANT" or "DEFENDANTS"), states as follows:

I. INTRODUCTION

1. This is a civil suit brought against DEFENDANTS under the citizen suit enforcement provisions of the California Coastal Act of 1976, California Public Resources Code § 30000 et seq. (hereafter, "California Coastal Act"). This complaint seeks relief from DEFENDANTS for their illegal coastal development including, but not limited to, the failure to obtain a Coastal Development Permit prior to diking, dredging and/or filling of wetlands located within the Coastal Zone in the years 2002 and 2005.

II. PARTIES

2. Plaintiff COASTAL LAW ENFORCEMENT ACTION NETWORK ("CLEAN") is a project of the International Humanities Center, a California charitable trust, located at 322 Culver Boulevard, Suite 317, Playa del Rey, California, 90293. CLEAN's mission is to ensure protection of the California coastline. CLEAN was established to address concerns relating to the enforcement of violations of the California Coastal Act and federal, state, and local laws protecting the California coast. The failure to enforce effectively the protections of the California Coastal Act and other applicable statutes is a leading cause of the decline in the protection, preservation, and restoration of coastal habitats and public access to coastal resources in California. CLEAN's aim is to provide effective citizen oversight of the California Coastal Act and other applicable statutes in order to ensure compliance with the law. Supporting members of CLEAN have interests in the property which is the subject of this action, including recreational and aesthetic concerns and scientific and environmental preservation, which interests are or may be adversely affected by DEFENDANTS' violations of the law as alleged in this Complaint. The relief sought by CLEAN herein will redress the injury in fact and the likelihood of future injury and interference with the interests of CLEAN's supporting members.

3. CLEAN is informed and believes and on such information and belief alleges that DEFENDANT SHEA HOMES LIMITED PARTNERSHIP, SOUTHERN CALIFORNIA DIVISION, is a California Limited Partnership and is the owner or operator of property which is the subject of this Complaint, referred to in California Coastal Commission LCP Amendment

Request 1-06 (February, 2007) as "Shea Homes Parkside Estates," located within the City of Huntington Beach, with a boundary on the west side of Graham Street, south of Kenilworth Drive, north of the East Garden Grove – Wintersberg Channel and adjacent on the east to the Bolsa Chica Ecological Reserve (hereafter, the "Property").

4. The true names and capacities of DEFENDANT DOES 1-100, Inclusive, whether individual, corporate, or otherwise, are presently unknown to CLEAN, who therefore sues DEFENDANTS by said fictitious name. CLEAN is informed and believes that each of said fictitiously-named DEFENDANTS is responsible in whole or in part for the acts alleged herein. CLEAN will seek leave of the Court to substitute the true name of said fictitiously-named DEFENDANTS when the same has been ascertained.

5. CLEAN alleges that at all relevant times herein, each DEFENDANT was the agent, representative, employee, surrogate, partner, or joint venturer of each other DEFENDANT and in doing the actions alleged herein, acted within the scope of his/her/its authority as such agent, representative, employee, surrogate, partner, or joint venturer and acted with the permission and consent of each of said DEFENDANTS.

III. JURISDICTION

6. Orange County Superior Court has jurisdiction over this action pursuant to California Constitution, Article VI, Section 10, which grant the Superior Courts "original jurisdiction in all causes except those given by statute to other trial courts."

7. Venue is proper in Orange County because the violations of DEFENDANTS as alleged herein have occurred in Orange County, and because the individual(s) affected by DEFENDANTS' actions as alleged in this Complaint suffered injury in fact in Orange County.

IV. STATEMENT OF FACTS

8. The legislature adopted the California Coastal Act in 1976 to protect and enhance California's natural and scenic coastal resources. The Act created the California Coastal Commission (hereafter, "the Commission") in addition to an elaborate planning process to ensure

that development in the "coastal zone" is consistent with and reflects the findings and declarations made by the Legislature as stated clearly in Public Resources Code § 30001:

> "(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
>
> (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
>
> (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.
>
> (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of [the Coastal Act], are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone."

9. The California Coastal Act provides that the Act "shall be liberally construed to accomplish its purposes and objectives." (Pub. Res. Code § 30009).

10. The "coastal zone" is that land specified on maps identified and set forth in section 17 of Chapter 1330 of the Statutes of 1975-1976 Regular Session enacting Division 20 of the Public Resources Code and subsequent amendments. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. (Pub. Res. Code § 30103(a)).

11. The California Coastal Act requires that "any person ... wishing to perform or undertake any development in the coastal zone ... shall obtain a coastal development permit" (hereafter, "CDP"). (Pub. Res. Code § 30600(a)).

12. The California Coastal Act, referencing the definition in the California Environmental Quality Act (commonly referred to as "CEQA"), defines "person" as "any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of

those entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions." (Pub. Res. Code § 21066).

13. The California Coastal Act defines "development" as "on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal or any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act ... and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan ..." (Pub. Res. Code § 30106.)

14. The Coastal Act provides that "[t]he diking, filling, or dredging of ... wetlands ... shall be permitted in accordance with other applicable provisions of [the Coastal Act], where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities." (Pub. Res. Code § 30233(a)).

15. The California Coastal Act defines "wetland" as "lands within the coastal zone which may be covered periodically or permanently with shallow waters and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." (Pub. Res. Code § 30121).

16. CLEAN is informed and believes, and on such information and belief alleges, that during 2002 and 2005 DEFENDANTS illegally diked, filled, and/or dredged wetlands on the Property without first obtaining and complying with a CDP. DEFENDANTS' first known illegal diking, filling, and/or dredging, which continued an historic pattern and practice of such illegal activities on the Property by prior owners, occurred between November 1 and December 31, 2002. The Commission subsequently issued DEFENDANTS an after-the-fact (or after-the-violation) CDP for this activity. DEFENDANTS second known illegal diking, filling, and/or dredging on the Property occurred in December, 2005. The Commission has not, as of the filing of this Complaint, issued DEFENDANTS a CDP for this activity.

V. FIRST CAUSE OF ACTION

(Declaratory Relief)

17. CLEAN incorporates by reference the allegations contained in paragraphs 1 through 16, inclusive, of this Complaint as though set forth in full.

18. Pursuant to Public Resources Code § 30803, subdivision (a), the California Coastal Act provides in relevant part that "[a]ny person may maintain an action for declaratory and equitable relief to restrain any violation of this division ..."

19. An actual controversy exists between CLEAN and DEFENDANTS in that DEFENDANTS have violated and are violating the California Coastal Act but refuse to admit the illegal nature of their activities.

20. Because of the controversy which exists among the parties, a declaration of the rights and responsibilities of the parties with respect to the California Coastal Act is necessary. Specifically, CLEAN seeks a declaration from the Court that DEFENDANTS' acts as alleged herein are separate and continuing violations of the California Coastal Act.

VI. SECOND CAUSE OF ACTION

(Injunctive Relief)

21. CLEAN incorporates by reference the allegations contained in paragraphs 1 through 20, inclusive, of this Complaint as though set forth in full.

22. CLEAN has no adequate remedy at law to require DEFENDANTS to reverse the consequences of their unlawful activities as alleged in this Complaint and, therefore, civil fines alone will not remedy the wrongs about which CLEAN complains.

23. Unless this Court grants the equitable relief sought by CLEAN herein, CLEAN's supporting members will be irreparably harmed in that they will be deprived of both the aesthetic enjoyment and environmental protection of the natural resources on the Property in this part of the California Coastal Zone.

24. Pursuant to Public Resources Code § 30803, subdivision (a), the Coastal Act provides in relevant part:

> " ... On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of the division. No bond shall be required for an action under this section."

25. As a consequence of DEFENDANTS' activities, CLEAN is entitled to injunctive relief mandating DEFENDANTS to obtain, and comply with all the terms and conditions of, a CDP. CLEAN is also entitled to a temporary restraining order to prevent any further development on the Property while the Court considers any application by CLEAN for preliminary injunctive relief.

VII. THIRD CAUSE OF ACTION

(Civil Fines)

26. CLEAN incorporates by reference the allegations contained in paragraphs 1 through 25, inclusive, of this Complaint as though set forth in full.

27. Pursuant to Public Resources Code § 30820, subdivision (a), the California Coastal Act provides in relevant part for civil fines as follows:

//

HNB-MAJ-1-06, Exhibit JJ
Page 9 of 20

"(a) Any person who violates any provision of this division may be civilly liable in accordance with this subdivision as follows:

1. Civil liability may be imposed by the superior court in accordance with this article on any person who performs or undertakes development that is in violation of this division ... in an amount that shall not exceed thirty thousand dollars ($30,000) and shall not be less than five hundred dollars ($500).

2. Civil liability may be imposed for any violation of this division other than that specified in paragraph (1) in an amount that shall not exceed thirty thousand dollars ($30,000)."

28. CLEAN alleges DEFENDANTS are liable for civil fines by virtue of the fact that they have failed to obtain, and comply with the terms and conditions of, a CDP as alleged herein.

VIII. FOURTH CAUSE OF ACTION

(Daily Fines)

29. CLEAN incorporates by reference the allegations contained in paragraphs 1 through 28, inclusive, of this Complaint as though set forth in full.

30. Pursuant to Public Resources Code section 30820, subdivision (b), the California Coastal Act provides in relevant part for additional civil fines as follows:

"(b) Any person who performs or undertakes development that is in violation of this division ... when that person intentionally or knowingly performs or undertakes the development in violation of this division ... may, in addition to any other penalties, be civilly liable in accordance with this subdivision. Civil liability may be imposed by the superior court in an amount which shall not be less than one thousand dollars ($1,000), nor more than fifteen thousand dollars ($15,000), per day for each day in which the violation occurs."

31. CLEAN alleges that DEFENDANTS, by virtue of their knowing, intentional and continuing violation(s) of the California Coastal Act, are liable for daily fines of up to fifteen thousand dollars ($15,000.00) for each day in which the alleged violation(s) have occurred and continue without abatement.

IX. PRAYER FOR RELIEF

WHEREFORE, CLEAN prays for judgment against DEFENDANTS as follows:

1. For a declaration of the rights and responsibilities of the parties with respect to the California Coastal Act. Specifically, CLEAN seeks a declaration from the Court that

DEFENDANTS' actions are separate and continuing violations of the California Coastal Act;

2. For preliminary and permanent injunctive relief mandating DEFENDANTS to obtain, and comply with the terms and conditions of, a CDP. CLEAN is also entitled to a temporary restraining order to prevent further California Coastal Act violations by DEFENDANTS while the Court considers any application of CLEAN for preliminary injunctive relief;

3. For a civil fine of up to $30,000.00 against DEFENDANTS for each act authorizing or engaging in or permitting activities in violation of the California Coastal Act;

4. For a civil fine of up to $15,000.00 per day against DEFENDANTS for each day from the commencement of the violation(s) of the California Coastal Act to the date DEFENDANTS comply with the requirements of the California Coastal Act;

5. For costs and attorney's fees incurred by CLEAN in prosecuting this action as allowed by CCP § 1021.5 and/or any other applicable provision(s) of law;

6. For interest as allowed by law; and,

7. For such other and further relief as the Court deems just and proper.

DATED: February 14, 2007

LAW OFFICE OF DAVID J. WEINSOFF

By: _____
DAVID J. WEINSOFF
Attorney for Plaintiff
COASTAL LAW ENFORCEMENT ACTION NETWORK

State of California - The Resources Agency
PETE WILSON, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
South Coast Region
330 Golden Shore, Suite 50
Long Beach, California 90802
(562) 590-5113

RECEIVED
MAR 27 1998
CALIFORNIA
COASTAL COMMISSION

March 16, 1998

Rec'd @ Hearing 2/15/07

Mr. James R. Barnes, Project Manager
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Dear Mr. Barnes:

Shea Homes Residential Development
Orange County

The Department of Fish and Game (Department) is providing comment on the Biological Evaluation and Wetland Determination for the proposed Shea Homes residential development site located within the City of Huntington Beach, in Orange County. Also included in these comments is the Department's opinion concerning the potential for restoring any portion of the site into a functioning wetland.

The Department is providing these written comments as requested by the City of Huntington Beach (City), lead agency for the proposed Shea Homes development project under the California Environmental Quality Act (CEQA). The City made this request during a pre-project planning meeting held by the Department on February 18, 1998. The Department understands that these comments are necessary in order to facilitate the Coastal Commission's evaluation of Shea Home's coastal development permit application.

It is the Department's understanding that the majority of the proposed site (44 acres) is located within the City of Huntington Beach, with a 5-acre portion located within an adjoining unincorporated area of Orange County.

At this time, the Department is only providing comment on the wetland delineation for the 44-acre portion of the site located within the City of Huntington Beach. The Department's evaluation is based upon information submitted by Ms. Lisa Kegarice of Tom Dodson and Associates (TD&A), as provided in a December 17, 1997 letter to Ms. Jana Morgan of EDAW, Inc.. This letter provides information verifying and updating the wetland determination for the 44-acre portion of the project site only.

Th 22a

Based upon the information outlined within the above-referenced letter by TDA, the Department concurs that the subject property located within the City of Huntington Beach does not meet wetland criteria nor would there appear to be any likelihood that this portion of the site could be restored to a functional wetland without substantial manipulation of the hydrological conditions of the site.

The Department also concurs with the biological assessment performed on the total site including the western most portion, by Mr. Frank Hovore of Frank Hovore and Associates (FH&A), as detailed in a February 17, 1997 correspondence to the Department. This assessment appears to be consistent with conditions existing on the site.

The Department would also like to reiterate what was discussed at the pre-project planning meeting regarding the western most portion of the proposed site located within the unincorporated area of Orange County. It is the Department's understanding, based upon the above-referenced biological assessment and direct observation by Department field staff, [redacted] exact dimensions of this area as it now exists or its size prior to recent disturbances was not discussed in any great detail during the pre-project planning meeting. [redacted] measures for the existing loss of this area and subsequent losses of the remaining portion of this wetland, as a result of proposed site development, would need to be assessed and provided, under CEQA, in order to comply with the Department's "No Net Loss of Wetland Habitat" Policy.

In addition, the Department has also determined that separate notification for a Streambed Alteration Agreement pursuant to Fish and Game Code § 1600 et seq., is not required for the project as described, including that portion of the site containing hydrologically isolated remnants of saltmarsh vegetation.

The Department recommends that any mitigation measures implemented under CEQA be performed directly adjacent to the contiguous areas associated with the Bolsa Chica wetlands to the south of the Wintersberg Channel. Attempting to restore the existing remnant saltmarsh portion of the project site into an on-site viable wetland would probably meet with limited success due to its small size, the isolated nature of the site from any existing functioning wetland or tidal influence, and its close proximity to the proposed residential development and associated disturbances by people and domestic pets.

The Department further recommends that a description of any wetland [redacted] associated with this project which includes total acreage loss and a detailed mitigation plan be included in the Environmental Impact Report for this project. This information would facilitate review by resource agencies and other interested parties.

The Department appreciates the opportunity to comment on this proposed project. If you have any questions regarding this matter please contact Mr. Scott Harris, Wildlife Biologist at (562)590-5100.

Sincerely

Ronald D. Rempel

Ronald D. Rempel
Regional Manager

copy: Ms. Terri Dickerson
Department of Fish and Game
Laguna Niguel, California

Mr. Tim Dillingham
Department of Fish and Game
San Diego, California

Mr. Stephan Rynas
California Coastal Commission
Long Beach, California

Mr. Jack Fancher
U.S. Fish and Wildlife Service
Carlsbad, California

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

July 27, 1998

Steve Rynas
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Re: Meeting this Friday, July 31, 1998, with Bolsa Chica Land Trust members
Shea Parkside Estates wetlands issues, Huntington Beach

Dear Mr. Rynas,

Thank you for agreeing to meet with members of the Bolsa Chica Land Trust this Friday, July 31, 1998 to discuss the Shea wetlands issues.

I am enclosing a copy of the letter I sent to John Dixon last week, who is planning to attend the meeting. I have not been able to talk to the Dept of Fish and Game, although I have left messages for Ron Remple.

I sent a number of color photocopies and other enclosures to John Dixon, which I hope he will bring along and include in the Coastal Commission files. I will bring the originals and other photographs, numbering in the hundreds, which will help substantiate our position that there are wetlands on the Shea property deserving of Coastal Act protections.

I am enclosing a set of photocopies of wildlife and water on the property, City and County parcels, which shows how the water persisted on the property and was used by wildlife. This condition actually lasted from December, 1997, to April 22, 1998, when the property was bulldozed, graded and filled. A color photocopy sequence of the filling is also attached, which I also ask that you investigate in terms of its propriety in light of wetlands filling provisions and potential violations in the Coastal Act.

Thank you.

Sincerely,

Jan D. Vandersloot, M.D.

Enclosures

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

July 29, 1998

Steve Rynas
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Re: Shea Parkside Estates wetlands issues, Huntington Beach
Meeting with Bolsa Chica Land Trust
Potential violations of Coastal Act

Dear Mr. Rynas,

In anticipation of meeting with you and John Dixon on Friday, July 31, 1998, I had sent him a letter dated July 21, 1998, which included a packet of information, color photocopies, and other evidence for him to review prior to the meeting. Although the meeting has been postponed, I am still forwarding to you the letter I sent him, with a few of the color copies, but the bulk of the evidence is in his hands which I expect he will keep in the Coastal Commission files. When we do reschedule the meeting, I will bring along the originals, as well as the hundreds of photographs that Bolsa Chica Land Trust members collected over the past winter, showing how the water ponded in certain areas of the Shea property, both in the City and County portions, for over 4 months, with development of wetland vegetation on the property prior to the bulldozing which occurred on April 22, 1998.

Our purpose is to substantiate the wetlands characteristics on the site so that Coastal Act provisions protecting wetlands will be applied to the site.

In addition to color photographs, we also have nearly $3000 worth of aerial photographs over the years showing water ponding in the same areas year after year. These areas correspond to the ground photographs we took this year, as we will show at our meeting.

I am enclosing a partial set of the photocopies of wildlife and water on the property, City and County parcels, which shows how the water persisted on the property and was used by wildlife. This condition actually lasted from December, 1997, to April 22, 1998, when the property was bulldozed, graded and filled. A color photocopy sequence of the filling is also attached, which I also ask that you investigate in terms of its propriety in light of wetlands filling provisions and potential violations of the Coastal Act.

Thank you, and I will call to set up a meeting.

Sincerely,

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

October 9, 1998

Stephen Rynas
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Re: Shea Parkside Estates wetlands issues
Potential violations of Coastal Act

Dear Mr. Rynas,

As a followup to my July 29, 1998 letter to you detailing potential Coastal Act violations by Shea Homes, I am submitting additional information concerning the agricultural history of the property, and I am submitting copies of aerial photographs and color photographs of the property. Emphasis is on the County portion of the property

Some history of the agricultural use is contained in documents in the "Report of Historical Site Usage", prepared by Hunsaker & Associates, Inc. for Shea Homes, dated July 24, 1997. I assume you have this report from the meeting in Huntington Beach in April.

Specifically, Tab 8 of the report is a lease agreement between MWD and Roy C. Pursche dated June 1, 1975. This lease was for cultivation of crops in the City portion of the property. No lease for agriculture was granted in the County portion. This lease was terminated on October 2, 1989.

Tab 30 is a lease agreement between MWD and Norman L. Abbott, dated September 1, 1993. Exhibit A to this lease describes the area to be farmed was within the City of Huntington Beach, not the County portion. Exhibit B shows the barley plowing and planting to be the City portion. However, the "Limits of the Agricultural Lease" prepared for Shea Homes by Hunsaker, dated 6/25/97, shows the lease created by Shea to extend into the County portion. Thus, Shea artificially extended the previous farmed area, which was in the City limits, to the County portion, which had not been farmed by MWD. The variations in topography evident on this map would also argue that farming was not done in this topographically varied County portion previously.

Tab 7 of the report is a Quitclaim Deed from Signal Properties, Inc. and Signal Bolsa Corporation, to MWD dated February 22, 1974. Thus, MWD acquired the land in 1974, and since then, farming was restricted to the City portion.

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

Tab 34, the June 11, 1997 letter from reed thomas co, inc, describes the previous disking to be limited to the Westerly City limits while under MWD ownership. Shea extended the disking to the pipeline, which is in County territory, in February, 1997, apparently without proper authorization from the Coastal Commission, as this area contained previously mapped wetlands.

Tab 36 shows the mapped area of wetlands in the 1996 Recirculated Draft EIR, which was approved by the County. This shows a green pickleweed area in a Y shaped configuration in the County area of the property. Most of this area has been eliminated by Shea's disking and filling since then.

Tab 37, the Grant Deed from MWD to Shea, describes the "growing crops" rights by MWD, who only grew crops in the City, not the County, portion.

Tab 40, the Biological Evaluation for Shea Homes by Frank Hovore & Associates, states on the first page, third paragraph; "We observed that the entire site had been disked recently, and that the Orange County portion of the site, which previously had been identified in our report as supporting a small stand of degraded, pickleweed-dominated marshland-type habitat had been cleared and filled, completely eliminating remnant natural vegetation". Page 2 of this report also describes the "small, unvegetated seasonal ponds and saltmarsh fragments' (in the County portion), which were "left relatively undisturbed until the most recent grading" (the Wintersburg flood control channel was built in 1960. Thus, the area in the County was relatively undisturbed from 1960 until Shea's activities in 1997. MWD owned the property from 1974 to 1996). Page 4, second paragraph states there were pickleweed patches in the County portion and that: "This area was partially filled and entirely graded over prior to our 07 June, 1997 visit, leaving virtually no trace of natural vegetation formations..." Note the discussions of the County area in the section 2.1 "Historic land uses inferred from aerial photographs" The 12/26/52: "County area: the 5 acre Orange County ("O.C.") parcel is indistinguishable, in terms of its surface features and relative contiguity with surrounding habitats, from land to the south and west, most of which appears to be marshland..." On page 5: 3/24/59, " County area: The 5 acre site remains as it was in 1952" ... 1/31/70: "County area The 5 acre county parcel shows little evidence of activity or use" The rest of the evaluations indicate no farming was done in the County parcel, but with disturbance in the eastern portions of the County area, apparently associated with the stables. Page 10, section 3.2.2, describes fill in the bottomlands, and section 3.2.3 describes a "seasonal pond" in the arena area.

Thus, no farming was done in the County from 1952 until Shea started doing it recently, apparently without permits from the Coastal Commission.

The evaluations for "Prior Converted Cropland" pertained to the 8.1 acre EPA delineated area on the City portion of the property, not the County portion. Tab 25 describes an "8.1 acre portion of a 45.6-acre agricultural field" which was studied by Sanders. This area is in the City portion, not the County.

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

Tab 26, the May 20, 1992 letter from the Department of the Army, pertained to the "8.1 acres in question", and determined this 8.1 acre area was prior converted cropland. This acreage was in the City, not the County.

Tab 1, the aerial photograph from 12/26/52, shows a disked area in the City, not the County. Note the Wintersburg channel is not built. Tab 2, 2/24/59 shows no farming in the County area. Tab 3, 1/31/70, no farming in the County area. Tab 4, 6/28/70, disturbance in easternmost portion of the County portion, east of the road. Tab 5, 10/26/73, disturbance in easternmost portion of the County. Tab 10, 12/14/78, disturbance associated with the road in the County area. All the rest of the aerials do not show farming in the County area, but disturbance associated with the arena at the eastern edge of the County portion. The arena appears to be the westernmost limit to the farming.

Sample aerial photos from my collection include 5-1-67, 1-31-70, 1-24-78, 2-25-80, 1-31-81, 2-19-83, 1-9-87, 3-15-90, 1-8-92, 3-14-94, 3-95, 3-19-96, 2-14-97, 3-10-98, enclosed, show vegetation, not farming, in most of the County area, with some disturbance at the east edge, not due to farming. I also have more aerials (total number 34) for your perusal, if desired. The aerials show characteristics of the City portion, including ponding water, as well.

Also enclosed is the 1989 EPA delineation of wetlands. The County wetlands are shown as well as the City 8.3 acres. Attached to it is the portion of the 1873 US Coast and Geodetic Survey showing the area to be tidal waters.

I am enclosing a set of color photographs, taken during late 1997 to May, 1998, showing how water and wetland vegetation (pickleweed), appeared almost continuously, and how the County area was filled during the disking and grading operations in April, 1998. Like the aerials, I have many more photographs, which I can show you during a meeting, if we can arrange one. These photographs were taken by several people, who documented nearly constant ponding from December 1997 through May 1998 in both City and County portions of the property. The aerial photographs also show consistent ponding in roughly the same areas, year after year.

Even the sales flyer for the MWD property, 1996, shows the vegetation in the County areas, and the green areas in the City area, where ponding occurs. Note that the sales flyer only included the City portion of the property. Somehow, the County area got included in the transaction.

I am also enclosing the June 15, 1998 letter from the USFWS concerning the issue of wetlands on the property. I would recommend considering the concepts in this letter, including protection of the wetlands and the detention basin and flood control possibilities.

JAN D. VANDERSLOOT, M.D.
2221 East 16th Street
Newport Beach, CA 92663
(714) 548-6326 FAX (714) 848-6643

Ideally, the consequences of the violation would lead to removing the fill, restoring the wetlands and requiring the normal 100 foot buffer for any development project. As I mentioned previously, the possible wetlands on the City portion should also be reexamined in light of the new evidence we have developed.

I hope this material helps to show the inappropriate disking and filling in the County portion, violating the Coastal Act. I also will forward more material on the agricultural uses if I can find it. If you have questions, please call me. I would be happy to schedule a meeting.

Sincerely,

Jan D. Vandersloot, M.D.

Enclosures

LETTERS OPPOSED

COASTAL COMMISSION

EXHIBIT # KK

PAGE 1 OF 17

Surfrider Foundation.

Surfrider Foundation

Huntington Beach/Seal Beach Chapter

COMMISSION

TO: California Coastal Commission.
South Coast Area Office
200 Ocean Gate, Suite 1000
Long Beach CA. 90802-4302

March 12, 2007

FROM: Surfrider Foundation
Huntington Beach/Seal Beach Chapter

Major Amendment Request
No. 1-06 (postponed).
OPPOSED

SUBJECT: City of Huntington Beach Certified
Local Coastal Program (LCP)
Shea Homes-Parkside Development.

ATTN: Patrick Kruer Chair,
Commissioners and Staff.

Dear Commissioners;

In accordance with Section 30503 of the Coastal Act, which requires public input to Local Coastal Program (LCP) developments, our Huntington Beach/Seal Beach Chapter of Surfrider Foundation wishes to submit the following comments in support of the Coastal Commission Staff recommendation to deny the above referenced Major Amendment Request No. 1-06, City of Huntington Beach Certified Local Coastal Program-Shea Homes; Parkside Estates Development proposal.

Specifically, we agree with the Commission Staff comments regarding the Parkside Estates Development proposal as not being consistent with Sections 30233 of the Coastal Act with respect to wetland protection, Section 30240 with respect to Environmentally Sensitive Habitat Area (ESHA), Sections 30230,and 30231 with respect to water quality, Sections 30210 and 30252 with respect to public access, Section 30244 with respect to archaeological resources, Section 30253 with respect to minimizing hazards, and Section 30251 with respect to visual resources.

We would urge the City of Huntington Beach, as a minimum, to consider adoption of the suggested modifications to the Land Use Plan (LUP) No. 1-06 as described in the Coastal Commission Staff "Resolution to Certify with Suggested Modifications." dtd. Feb. 2, 2007.

We are also concerned that there may be large portions of the proposed development plan property that are on "wetlands" as defined in Section 30121 of the Coastal Act, and therefore these areas should be zoned accordingly, and provided the same consideration, and conservation as the adjacent Bolsa Chica wetlands receives.

Additionally, it is suggested that any plan proposed by the City of Huntington Beach for use, or development of one of the last remaining vestiges of unprotected natural wetlands within Orange County should be carefully considered, and if the plan does not fully comply with the Coastal Act it should be denied, and considered as inferior to the "no project" alternative.

We greatly appreciate the Commission's attention to this issue, and the opportunity to make these comments to the Coastal Commissioners, and Staff members.

Sincerely,

D.P. Schulz (562)430-2260
Executive Committee Member,
Surfrider Foundation
Huntington Beach/Seal Beach Chapter

P.O. Box 3087, Long Beach, CA 90803

February 7, 2007

RECEIVED
Coast Region
FEB 16 2007
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COASTAL COMMISSION

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

Reference Item #Th22a, HNB-MAJ-1-06

Dear Coastal Commission Members:

Hopefully you have toured the Bolsa Chica Wetlands since restoration efforts are well underway. At the same time, the devastation caused by the development of the Upper Bolsa Chica Wetlands is also very apparent.

Now, the developer wants to encroach on the buffer zone! This is unacceptable. So little natural habitat remains. Please safeguard the buffer zone from any and all building.

Thank you for your time.

Sincerely,

Barbara Bott

Barbara Bott
5782 Bellfield Lane
Huntington Beach, CA 92648

Letter opposing LCPA 1-06

3 copies received

Marinka Horack
21742 Fairlane Circle
Huntington Beach, CA 92646

RECEIVED
COASTAL COMMISSION

February 9, 2007

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

RE: Th-22A, Proposed Shea Parkside Project in Huntington Beach

Dear Commissioners:

As a Californian and an Orange County resident for 57 years, I write to strongly support the preservation what is little is left of the Bolsa Chica Wetlands. 95% of our coastal wetlands have been destroyed by the development boom of the last century. There is no room for "compromise" with the 5% remaining wetlands.

Historical photos and records show that Bolsa Chica was a vast and rich wetlands that included much of the lowland area of what today is west Huntington Beach. There is absolutely no doubt that historically, the Parkside area was part of the Bolsa Chica wetlands. Today attempts have been made to erase the evidence of this wetland by plowing it up and farming it. Despite the farming, the water ponds up in the winter, wetlands plants grow in large numbers, and multitudes of wetlands birds visit the area.

I support your staff's recommendation to deny HNB-MAJ-1-06 as submitted.
I ask the Commission to review and amend the proposals for wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.
I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.
I ask that any Natural Treatment System (NTS) be constructed outside of the ESHA buffers.

Sincerely Yours for a Better California,

Marinka Horack

Marinka Horack

2/20/07

California Coastal Commission

Attn: Meg Vaughn

RECEIVED
South Coast Region
FEB 21 2007
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COASTAL COMMISSION

As I realize the public hearing on Item #Th22a, HNB-MAJ-1-06 has already occured. I am writing to you hoping this letter is not ignored.

I do not believe the developer of the 50 acres of wetlands needs to place any kind of development within the habitat buffer zone. This development would not be of any benefit to nature which I believe is what the Costal Commission is all about. The developer is the only one I can think of who would love more tax revenue. Please do not allow this to happen it just is not acceptable!

Sincerely

Sandra Gallagher

Huntington Beach, Ca. 9264[illegible]

Feb 20 07 09:31p Thomas Gallaugher 714-846-0030 p.1

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

Former Item: TH22, HNB-MAJ-1-06

March 28, 2007

Dear Coastal Commission:

I have a fantasy that any land development is kept out of the upper Bolsa Chica Wetlands or ESHA buffers. I totally support keeping our habitat open. BUT, if there has to be a compromise what about this:

Shea/ parkside homes be kept at 21000 square feet on quarter acre lots to encourage more landscaping and then for every 1/4 of home property, Shea be required to do an acre of indigenous plant landscaping (a combination of native and plants that naturalize to the areas, such as eucalyptus, which so many of the migratory birds here depend on).

Keeping the usable property limited does not have to mean limited profit for Shea as they can charge a lot for people to have the privilege of living in such a low density area with less traffic flowing onto Graham. Shea could also build "green" homes so that the neighborhood would appeal to people who appreciate wildlife and ecological issues, again something a part of the public would be willing to pay more for.

Also, Shea could grade the terrain to create natural drainage valleys, full of native and newly indigenous plants and trails, then set the homes on higher land, again a cost savings over raising the whole landscape above the flood plane.

I am a landscape designer and an avid bird watcher and hiker. I would love to see no homes built in these areas but if they are going to be built, I think Shea and the commission should get creative with solutions and stop the either-or fallacy of either open land or packing a bunch of miserable tract homes with lots of square footage together. That isn't the only solution.

Sincerely,
Gary Hoffman
5142 Warner Ave. Unit 100
Huntington Beach, CA 92649
714-846-5842

7

Stop Polluting Our Newport
P.O. Box 102 Balboa Island, California 92662

February 13, 2007

Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

Subject: Shea/Parkside Local Coastal Plan Amendment

Dear Mr. Kruer and Members of the Coastal Commission:

Stop Polluting Our Newport (SPON) is a nonprofit resident organization, who for the past 30 years has worked to preserve and protect the environment of Newport Beach and surrounding areas. We understand that there will be a Coastal Commission public hearing on the Shea/Parkside Local Coastal Plan Amendment for the Upper Bolsa Chica Wetlands on Thursday, February 15, 2007 at the Catamaran Resort Hotel in San Diego.

SPON supports the Coastal Commission staff recommendation to deny the Huntington Beach LCP Amendment regarding the Shea Parkside property. We also support the protection of more wetlands on the property, the designation of the north grove of eucalyptus groves as Environmentally Sensitive Habitat Areas (ESHA), a 100 meter buffer from the ESHA, and relocation of the Natural Treatment System outside the ESHA buffer. We believe these additional measures are appropriate given the significant historical loss of wetlands in Southern California, and the connection of these wetlands to the Greater Bolsa Chica wetland system. A copy of this letter has been forwarded to Coast Commission staff.

Sincerely,

Marko Popovich and Brent Cooper
SPON Presiding Officers

cc: Sherilyn Sarb, California Coastal Commission
Meg Vaughn, California Coastal Commission
Karl Schwing, California Coastal Commission
Teresa Henry, California Coastal Commission

8

February 8, 2007

RECEIVED
South Coast Region
FEB 16 2007
CALIFORNIA
COASTAL COMMISSION

Attn: Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-416

Re: Item Th 22a, HNB-MAJ-1-100

Dear Ms. Vaughn

Haven't "developers" done enough harm to Bolsa Chica?

I have lived all my 70 years in Orange County. When I was a kid, this land was owned by the Huntington Beach Company. They kept it as a duck hunting preserve. It was nearly valueless for anything else. I'm sure that as Chevron bought out HB Co. it continued to be valued as residual open space.

"Developers" have gambled over and over on being able to influence the political process to create immense capital gain by converting seemingly undervalued lands into subdivisions. Their aggressiveness most often pays big dividends at the expense of habitat.

The Commission was formed with the mandate to protect our coast. You are my local contact to my Commission representative and maybe the only person standing between more luxury homes (that neither of us can afford) or sanctuary for local and migratory birds.

Can I count on you and the Commission members to save what is left of Bolsa Chica?

Please let me know your thoughts.

Sincerely,

Robert Reed
19930 Lures Lane
Huntington Beach, CA 92646
c: 310 592 4323

9

February 13, 2007

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FEB 16 2007
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COASTAL COMMISSION

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

Ms Vaughn:

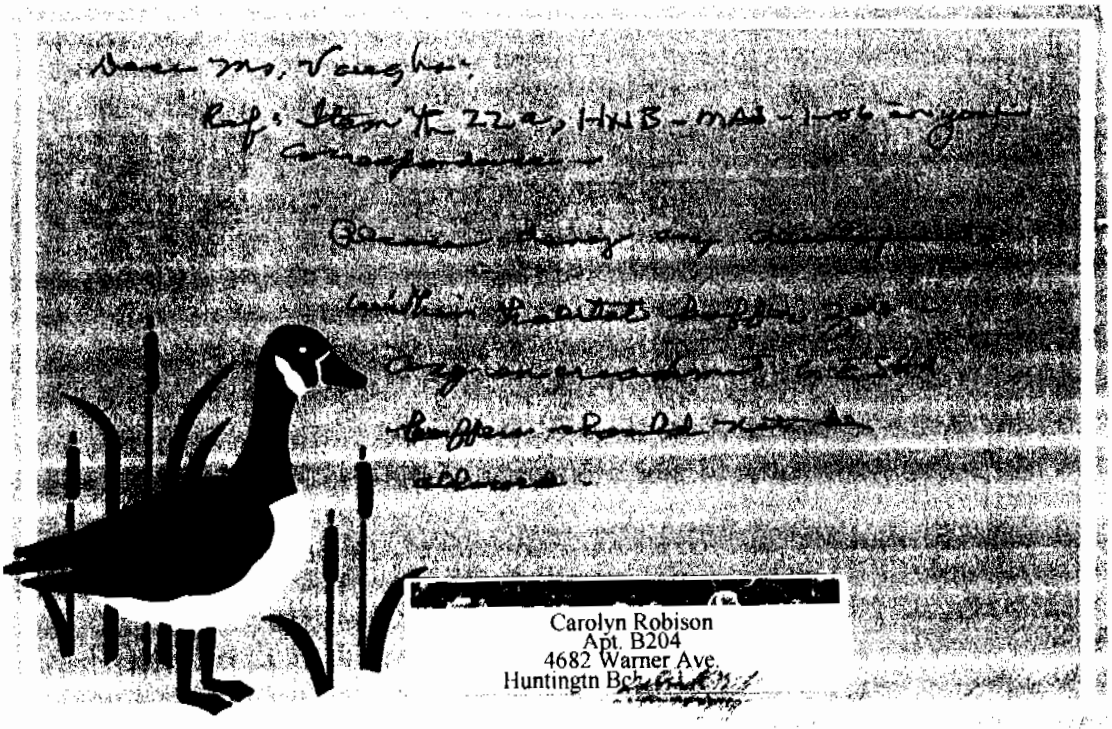
We understand that a developer wants to place limited development WITHIN the habitat buffer zone that is 50 acres of open space wetlands into low-density residential.

This land is home to many environmentally sensitive species.

We can't understand why these developers continue to be given time or even consideration regarding their efforts to build in any part of the wetland areas.

It is shocking to us. We only hope our protest is not too late to be registered before the Public Hearing scheduled February 15.

Mrs. Sunelei Meylor Sunelei Meylor
13560 Cedar Crest Lane #109L
Seal Beach CA 90740


Carolyn Robison
Apt. B204
4682 Warner Ave.

RECEIVED
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FEB 16 2007
CALIFORNIA
COASTAL COMMISSION

Virginia B. Contarsy
19718 Seashore Circle
Huntington Beach Ca.
92648

February 9, 2007

Dear Meg Vaughan:

The Upper Bolsa Chica Wetlands is a very rare and precious area for many kinds of birds and wildlife and for people to view.

There are lots and lots of homes, developers and people who would like to profit from the wetlands area; so we need your help in saving the Upland ESHA buffers area and these precious 50 acres of open space wetlands. The habitat buffer zone must be saved.

Thank you! Virginia B Contarsy

CALIF. COASTAL
COMMISSION

We have so little land left

please preserve what

we have left. # TH 22a
(HNB-MAJ-1-06)

this land is home to
hawks, coyotes, plants
~~to~~ they have no more
land to move to, to
raise & protect their
families.

Sincerely

Nancy Angell RDH

714 840-0018

RECEIVED
South Coast Region

FEB 21 2007

CALIFORNIA
COASTAL COMMISSION

FROM: (Print Name) Judy Todd

Address 408 Jade Cove

City, State, Zip Seal Beach, CA 90740

Dear Coastal Commissioners:

Re: Shea Parkside Project, Huntington Beach, CA

- 91% of California's wetlands are gone.
- The Bolsa Chica property in Huntington Beach owned by Shea Homes is a wetlands by virtue of its ponding hydrology and natural vegetation.
- The California Coastal Act section 30233 does not permit building on a wetland.
- The city of Huntington Beach's LCP amendment request before the California Coastal Commission should be DENIED.
- Shea Homes' CDP application should be DENIED.

Signature J Todd

Opposed

3 copies received

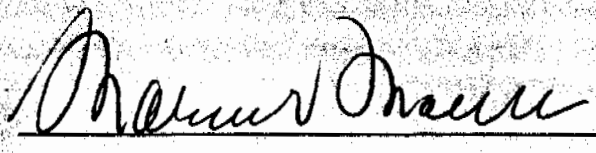
Dear Coastal Commissioners:

Re: Shea/Parkside Project, Huntington Beach, CA

As you know, 95% of California's wetlands have been lost to development. The Shea/Parkside property contains substantial wetlands and ESHA under Section 30233 and 30240 of the Coastal Act and must be protected.

I support Commission staff's recommendation of July 26, 2006 to DENY the Land Use Plan Amendment and Implementation Plan as submitted. I further request that the Commission DENY the Land Use Plan Amendment and Implementation Plan even with staff's modifications, until such time as additional outside analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications.

Thank you.

Signature 

Print Name MARINA MARRELLI

Address 17101 HERBERT LANE

City, State, Zip HUNTINGTON BEACH CA 92649

RECEIVED
South Coast Region
MAR 19 2007
CALIFORNIA
COASTAL COMMISSION

Opposed

13 copies received

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 <u>true</u> 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. <u>Deny</u> the LCPA.**

Sincerely: Gail Lyons

Address: 717 Central Ave
Seal Beach, CA

Opposed

57 copies received

16

85 Copies of the Following Form Letter Were Received

(the orange cardstock they are printed on did not copy legibly)

Dear Coastal Commissioners:

Re: Shea/Parkside Project, Bolsa Chica, Huntington Beach, CA

The California Coastal Commission is the most important protector of coastal resources. Shea/Parkside development project proposes to build over 150 homes on approximately 40 acres at Bolsa Chica.
I support the Commission staff's recommendation to DENY the Land Use Plan amendment and Implementation Plan. I further request that the Commission DENY the project for the following:

- Substantial wetlands present on the property
- ESHA present on the property
- The ESHA must be protected with robust efforts
- All Illegal fills need to be removed

Under Section 30233 and 30240 of the Coastal Act these resources must be protected.

Thank you,

LETTERS
in
SUPPORT

COASTAL COMMISSION

EXHIBIT # LL
PAGE 1 OF 5

Meg Vaughn

From: TINA NASRATYAR [NASRATYAR@YAHOO.COM]
Sent: Wednesday, February 14, 2007 6:10 PM
To: Meg Vaughn
Subject: Huntington Beach Parkside LCPA: Approval requested

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 and Coastal Development permit, as proposed by the City of Huntington Beach and Shea Homes. 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 also would like to draw your attention to the enhanced public access to coastal areas and new parks that will be provided by the plan. 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.

In addition, the plan will protect and expand wetland resources and Environmentally Sensitive Habitat Areas; it includes water quality improvements that will treat a portion of the runoff from the surrounding 3,000-acre watershed - that currently reaches the ocean untreated; and it will lead to $15 million in developer-funded improvements to the local flood control system, which would reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach residents and businesses.

Sincerely,

TINA NASRATYAR
Huntington Beach

Meg Vaughn

From: Tony Nelson [gosynergy@aol.com]
Sent: Friday, February 16, 2007 7:48 AM
To: Meg Vaughn
Subject: Huntington Beach Parkside LCPA: Approval requested

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 and Coastal Development Permit, as proposed by the City of Huntington Beach and Shea Homes. I particularly draw your attention to the enhanced public access to coastal areas and new parks that will be provided by the plan. 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.

In addition, the plan provides much-needed new homes in an environmentally sensitive plan that will protect and expand wetland resources and Environmentally Sensitive Habitat Areas; it includes water quality improvements that will treat a portion of the runoff from the surrounding 3,000-acre watershed - that currently reaches the ocean untreated; and it will lead to $15 million in developer-funded improvements to the local flood control system, which would reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach residents and businesses.

Sincerely,

Tony Nelson
Villa Park

Meg Vaughn

From: Graham Anderson [grahamanderson@dslextreme.com]
Sent: Thursday, February 15, 2007 7:38 PM
To: Meg Vaughn
Subject: Huntington Beach Parkside LCPA: Approval requested

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 and Coastal Development Permit, as proposed by the City of Huntington Beach and Shea Homes.

This parcel is an infill property surrounded almost entirely by existing development, so it is an ideal place to build new homes. Furthermore, the property has been zoned residential by the City of Huntington Beach for decades and is consistent with the City's General Plan.

The project proponent has been very diligent in complying with all the requirements of the California Environmental Quality Act and the Coastal Act, and should be given the opportunity to develop the property.

I also would like to draw your attention to the enhanced public access to coastal areas and new parks that will be provided by the plan, and the fact that the applicant is prepared to protect and expand wetland resources and Environmentally Sensitive Habitat Areas; treat urban runoff from more than 1,000 acres that currently reaches the ocean untreated; and spend $15 million on much-needed improvements to the local flood control system, which would reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach residents and businesses.

Sincerely,

Graham Anderson
Huntington Beach

Letter in Support of LCPA 1-06

2 copies received

Meg Vaughn

From: Ila White [ila.white@verizon.net]
Sent: Friday, February 23, 2007 11:27 AM
To: Meg Vaughn
Subject: Huntington Beach Parkside LCPA: Approval requested

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 and Coastal Development Permit, as proposed by the City of Huntington Beach and Shea Homes. The plan will lead to much-needed improvements to the local flood control system because of Shea Homes' agreement to spend $15 million on new storm drains, pumps and levee improvements. Once completed, these improvements will reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach home and business owners.

In addition, the plan provides much-needed new homes in an environmentally sensitive plan that will protect and expand wetland resources and Environmentally Sensitive Habitat Areas; it provides for treatment of urban runoff that currently reaches Huntington Harbour and the ocean untreated, and it includes enhanced public access to coastal areas and new parks.

Sincerely,

Ila White
Huntington Beach

Letter Supporting LCPA 1-06

6 Copies received

HNB-MAJ-1-06, Exhibit LL
Page 5 of 5

Ex-Parte

COASTAL COMMISSION

EXHIBIT # MM
PAGE 1 OF 7

RECEIVED
South Coast Region

MAR 1 4 2007

CALIFORNIA
COASTAL COMMISSION

Th, 22.a.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Received at Commission Meeting

FEB 1 5 2007

From: _____

Date and time of communication: *Friday, February 2, 2007; 12:00 PM*
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: *Rancho Palos Verdes, CA*
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: *Scott Hess, Ron Metzler, Art Homrighausen, Nancy Lucast, Tony Bomkamp, Donna Andrews and Steve Kaufmann.*

Person(s) receiving communication: *Larry Clark*

Name or description of project: *Huntington Beach LCPA 1-06; Parkside Estates (Shea Homes), Agenda Item Thurs, Feb 15, 2007, 22.a.*

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Affected property owners and consultants indicated that they and the City are in accord with regard to the LCPA and the staff recommendation and described the following:

Major Public benefits include:

- *The City/landowner's newly proposed NTS will treat a larger area than is the subject of this LCPA, resulting in clean water discharges into already impaired water bodies AS WELL AS the wetland habitat benefits that naturally accrue from a natural treatment system.*
- *Large areas of existing, low-elevation development, presently at risk of flooding, will be protected from flooding by virtue of construction of the ultimate project that this LCPA will enable.*
- *Sensitive public access proximate to the Bolsa Chica wetlands.*

Disagreements with Staff Recommendation:

- *"WP" is not a "wetland"; over 20 studies by pre-eminent California wetland scientists attest to that.*
  - *Staff's position is that "WP" could become a wetland in the future. This runs counter to the Commission's and staff's 30-year record of, "we take the land as we find it."*

- *The northern grouping of Eucalyptus trees does <u>not</u> constitute ESHA.*
  - *It is immediately adjacent to long-standing development,*

2

- *any raptor usage is acclimated to this ad[illegible]*
- *the City's proposed adjacent use is parkland (tot-lot, [illegible] fields).*
- *Though this grouping does not qualify as ESHA, the City's LCPA [illegible] be preserved and enhanced, and a 100-ft buffer provided.*

City and landowner request that the Commission adopt the staff recommendation, with the exceptions that:

1 *The " WP" not be designated wetland, and*
2 *The northern Eucalyptus trees not be designated as ESHA, and that the buffer thereto be limited to 100 feet, consistent with the Commission's past actions.*

2/13/07
Date

Barry Cook
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven 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 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 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.

Th, 22.a.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

RECEIVED
South Coast Region
MAR 14 2007
CALIFORNIA
COASTAL COMMISSION

Date and time of communication: *Wed, February 14, 2007; 12:15 PM*
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: *San Diego, CA*
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: *Donna Andrews, Nancy Lucast*

Person(s) receiving communication: *Larry Clark*

Name or description of project: *Huntington Beach LCPA 1-06; Parkside Estates (Shea Homes), Agenda Item Thurs, Feb 15, 2007, 22.a.*

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Discussion of history of activities on the site.

2/15/07
Date

Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven 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 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 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.

Th, 22.a.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: (For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Thursday, *February 8, 2007; 12:15 PM*

RECEIVED
South Coast Region

MAR 14 2007

CALIFORNIA
COASTAL COMMISSION

Location of communication: (For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Santa Rosa, CA

Person(s) initiating communication: *Ron Metzler, Art Homrighausen, Nancy Lucast.*

Person(s) receiving communication: *Mike Reilly*

Name or description of project: *Huntington Beach LCPA 1-06; Parkside Estates (Shea Homes), Agenda Item Thurs, Feb 15, 2007, 22.a.*

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Affected property owners and consultants indicated that they and the City are in accord with regard to the LCPA and the staff recommendation and described the following:

Major Public benefits include:

- *The City/landowner's newly proposed NTS will treat a larger area than is the subject of this LCPA, resulting in clean water discharges into already impaired water bodies AS WELL AS the wetland habitat benefits that naturally accrue from a natural treatment system.*
- *Large areas of existing, low-elevation development, presently at risk of flooding, will be protected from flooding by virtue of construction of the ultimate project that this LCPA will enable.*
- *Sensitive public access proximate to the Bolsa Chica wetlands.*

Disagreements with Staff Recommendation:

- *"WP" is not a "wetland"; over 20 studies by pre-eminent California wetland scientists attest to that.*
  - *Staff's position is that "WP" could become a wetland in the future. This runs counter to the Commission's and staff's 30-year record of, "we take the land as we find it."*

- *The northern grouping of Eucalyptus trees does <u>not</u> constitute ESHA.*
  - *It is immediately adjacent to long-standing development,*
  - *any raptor usage is acclimated to this adjacency,*

4

- *the City's proposed adjacent use is parkland (tot-lot, benches—no lighting or ball fields).*
- *Though this grouping does not qualify as ESHA, the City's LCPA requires that it be preserved and enhanced, and a 100-ft buffer provided.*

City and landowner request that the Commission adopt the staff recommendation, with the exceptions that:

1 *The "WP" not be designated wetland, and*
2 *The northern Eucalyptus trees not be designated as ESHA, and that the buffer thereto be limited to 100 feet, consistent with the Commission's past actions.*

2/14/07
Date

Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven 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 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 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.

Th, 22.a.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: *Wed, February 14, 2007; 12:00 noon*
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

RECEIVED
South Coast Region

MAR 1 4 2007

CALIFORNIA
COASTAL COMMISSION

Location of communication: *San Diego, CA*
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: *Nancy Lucast*

Person(s) receiving communication: *Mike Reilly*

Name or description of project: *Huntington Beach LCPA 1-06; Parkside Estates (Shea Homes), Agenda Item Thurs, Feb 15, 2007, 22.a.*

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Very short discussion of history of activities on the site.

2/15/07
Date

Mike Reilly
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven 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 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 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.

5

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

RECEIVED
South Coast Region
MAR 14 2007
CALIFORNIA COASTAL COMMISSION

Name or description of the project: Parkside Estates

Time/Date of communication: Feb. 20, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu, CA

Person(s) initiating communication: Sara Wan

Person(s) receiving communication: Garry Brown

Type of communication: Phone call

I was talking with Garry about some other issues when he mentioned Parkside development. I asked him what his position was on the project. He stated that their water quality plan was adequate but that he did not approve of it being placed in the buffer. That buffers were for habitat. I asked him if he understood the issue with the levee, that I thought it was quite complicated but didn't understand. If it was needed to prevent seawater from intruding into the homes, then wouldn't that mean that the area involved was, by definition, a wetland? He said he also didn't fully understand it but tended to agree with me about the complexity and in particular was concerned about the amount of grading involved.

Sara J. Wan

Date: Feb. 21, 2007

Sara Wan

6

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

RECEIVED
South Coast Region
MAR 14 2007
CALIFORNIA COASTAL COMMISSION

Name or description of the project: Parkside Estates

Time/Date of communication: March 1, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu, CA

Person(s) initiating communication: Sara Wan

Person(s) receiving communication: Jan Vandersloot

Type of communication: Phone call

Discussed the issue of the violation. In particular we discussed the nexus between the violations and wetland delineations. In the WP area it is clear that if there was a violation, that is a fill, then that would affect what might be considered to be wetlands. In the southwest corner, staff stated in their addendum that there were several areas that had been filled without a permit. Again, if so, then this needed to be decided beforehand since it could influence the wetland delineation and the placement of the NTS. Jan also talked about an area that the EPA had determined was wetlands in the 80's that in the area of the AP wetland but was much bigger. I said I didn't know anything about it but that should be looked at. He also said that they had dug a drainage ditch without a permit and that is obviously influencing the extent of the wetland since it is draining the area. I stated that unless these issues were resolved first by the commission I did not see how the LCP could be approved.

Sara J Wan

Date: March 3, 2007

Sara Wan

7