

CALIFORNIA COASTAL COMMISSION

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

Click here to go to
the original staff report.



W14e

February 8, 2011

ADDENDUM

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SOUTH COAST DISTRICT STAFF

SUBJECT: Item W14e. 5-11-011(Shea Homes) for the February 9, 2011 Commission Meeting in Chula Vista

A. Changes to the Staff Report

1. Revision to project description

a. PROJECT DESCRIPTION, page 1, add the following at the end of the project description:

If groundwater is encountered in the trench excavation it will be pumped to a water storage tank located within the fenced work area. The water will be used for dust control on the existing adjacent dirt roads used for construction access, after the sediment has settled out. The sediment will be re-deposited in the trench.

b. Section IV A. Project Description, Location and Background, page 9, first full paragraph (beginning with "Although the majority of the trench..."), add the following after the first sentence then start a new paragraph beginning with the existing second sentence:

Readings from the existing on-site piezometer indicates that there was an unusually high quantity of precipitation in the area in December, 2010. Therefore the applicant anticipates that groundwater will be encountered in this deeper portion of the proposed trench. Removal of any water that seeps into the trench would be necessary in order to maximize the productivity of the testing. Initially, the applicant estimated that approximately 1,000 (one thousand) gallons of water would be encountered. However, the weather has been dry since the December rains and the estimated amount of water to be encountered has been lowered to approximately 500 (five hundred) gallons. If groundwater is encountered in the trench excavation it will be pumped to a water storage tank located within the fenced work area. The water will be used for dust control on the existing adjacent dirt roads used for construction access, after the sediment has settled out. The sediment will be re-deposited in the trench.

2. SUMMARY OF STAFF RECOMMENDATION, page 3, lines 22-26, correct typographical error by deleting the repeated language as follows (shown in strikethrough):

~~(5) the prohibition of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); (6)~~

3. SUMMARY OF STAFF RECOMMENDATION, clarification of the status of the LCP for the project area, page 3, first full paragraph (beginning "The standard of review..."), add the following the second sentence:

Land use plan amendment (HNB-MAJ-1-06) affecting the Parkside Estates site is fully certified. However, the implementation plan amendment for the site (HNB-MAJ-1-10) is not yet fully certified since the Commission has not concurred in the local government's adoption of the suggested modifications.

4. Section IV.B., Protection of Archaeological Resources, page 17, first full paragraph, last sentence, replace the existing incomplete sentence with the following:

The geoarchaeologist and archaeologist will examine the exposed soils to determine if intact midden or features are contained within the trench excavation and redirect the trench alignment if either is present.

5. Section IV.C., Protection of Biological Resources, page 21, subsection Southern Tar plant, first paragraph, correct typographical error by replacing the 4th sentence with the following:

As a part of the deliberation of LCP Amendment HNB-MAJ-1-06 (Parkside Estates), the Commission's staff ecologist concluded that Southern tar plant on the subject site did not meet the Coastal Act definition of ESHA.

6. Section IV.C., Protection of Biological Resources, page 21, subsection Southern Tar plant, first paragraph, 5th sentence, add concluding quotation marks to indicate the end of the quote by Commission staff ecologist, Dr. John Dixon:

Regarding the Southern tar plant, the staff ecologist stated: "In contrast to the habitats on the Bolsa Chica mesa, the scattered areas containing southern tar plant on the Parkside property do not appear to be significant habitat for this species, and it is my opinion that these areas do not meet the definition of ESHA under the Coastal Act."

7. Section IV.E., California Environmental Quality Act, page 23, correct typographical error by deleting the following (shown in strikethrough):

(5) the prohibition of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); ~~and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31);~~ and (6) the implementation of construction best management practices and good housekeeping practices to prevent impacts to the adjacent marine resources.

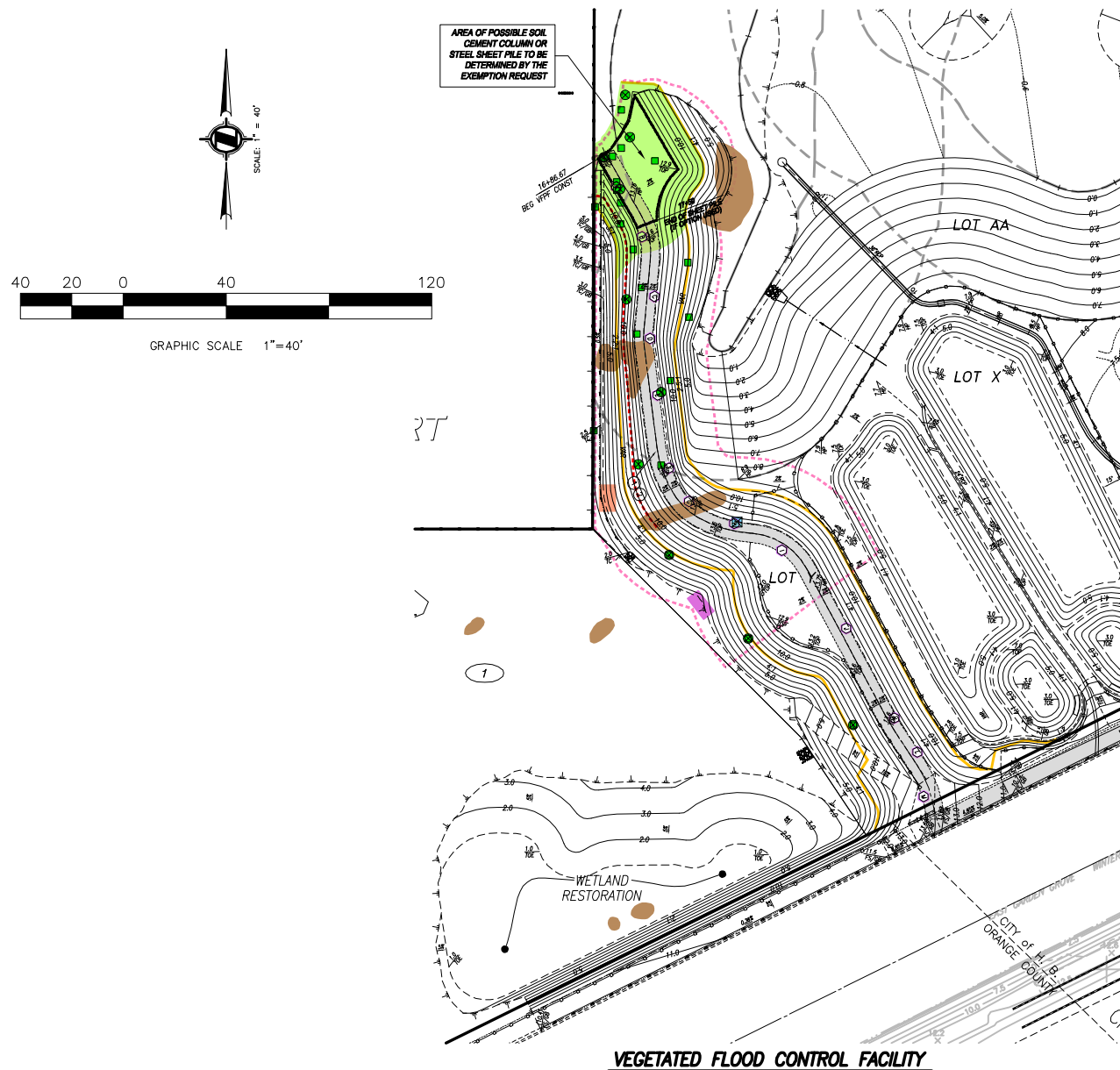
8. Replace Exhibit 4 in the staff report with a color copy of Exhibit 4. The color copy of Exhibit 4 will be available on the electronic copy of the staff report in the website addendum.

B. Correspondence Received.

Two letters from the applicant concerning the staff recommendation were received. The first letter requested corrections to the staff report and requested a modification to the project description to deal with anticipated groundwater in the deeper portion of the proposed trench. Staff has made the changes in the subject addendum in response to the applicant's request. The second letter supports the staff recommendation, provided the requested changes are made. The first letter is found on page 61 of the green covered addendum, dated February 8, 2011 and the second letter is attached.

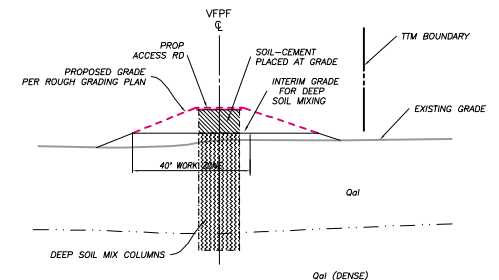
Fifteen (15) letters in opposition to the staff recommendation were received and are found on pages 64-80 of the green covered addendum, dated February 8, 2011.

One (1) letter was received from the Native American Heritage Commission (NAHC) in support of the proposed archaeological testing. However, the letter states, "Should impacted 'midden soil' be identified in the testing process, the NAHC recommends that the area where midden soil is present be avoided by project activity." The staff recommendation is to avoid "intact" midden soil. The NAHC letter is found on page 63 of the green covered addendum, dated February 8, 2011.



LEGEND

- GEOTECHNICAL WORK FENCING (8' CHAIN LINK)
- PROPOSED TRENCH
- LIMITS OF POTENTIAL SUBSURFACE STABILIZATION (AT 8' CONTOUR)
- ☒ PORTABLE TOILET
- PRIOR SHOVEL TEST PITS BY LSA
- PRIOR AUGER TEST HOLES BY LSA
- EQUIPMENT STAGING AREA
- SECURITY TRAILER
- SHEET PILE CAN BE USED IF WARRANTED BY THIS GEOTECHNICAL INVESTIGATION AND ARCHEOLOGICAL MONITORING
- 2009 SOUTHERN TAR PLANT LOCATIONS AND PLANT COUNTS



TYPICAL VFPF SECTION
N.T.S.

Parkside Estates Exemption Request Work Area FIGURE 4

JANUARY 10, 2011

PLOTTED BY: rose DATE: Jan. 31, 2011 TIME: 05:08 PM

F:\0072\Planning\OAL\Project\EXH_General\Archeological Exhibit\ARD-CDP Exhibit-4.dwg

PLotted: 1/31/2011 5:08 PM
User: rose
Title: ARD & CDP Exhibit

FEB - 8 2011

CALIFORNIA
COASTAL COMMISSION

February 2, 2011

Ms. Sara Wan, Chair and Members
of the California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105

W14e

**RE: CDP Application 5-11-011 (Shea Homes)
Agenda Item Wednesday, 14e**

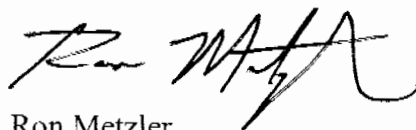
Dear Madam Chair and Commissioners:

We have reviewed the staff report for the captioned item and, pending receipt of staff's addendum, we are pleased to say that we are in support of staff's recommendation.

The subject application is not for a project in the normal sense of the word; rather, it is a combined geotechnical and archaeological investigation applicable to a Coastal Development Permit application staff anticipates will come before you this April. The enclosed briefing book supplements the information provided in the staff report.

We appreciate staff's guidance on this item and look forward to the public hearing on Wednesday, February 9, 2011.

Sincerely,
Shea Homes, LP



Ron Metzler

Enclosure
cc: Teresa Henry

**The following letters are also contained in the
(green covered) main addendum to the
Commission meeting, pages 61-80, dated
February 8, 2011.**

Teresa Henry

From: Steve Barnhart [SBarnhart@hunsaker.com]
Sent: Monday, January 31, 2011 2:14 PM
To: Teresa Henry
Subject: From Ron Metzler: Item W14e - requested ideas for addendum

Dear Teresa,

We have reviewed the staff report and have only a few minor comments we are suggesting be incorporated into the planned addendum. The third suggestion reflects the discussion we had on Friday.

1. The language in Condition of Approval #5, Protection of Biological Resources, begins with the sentence, "No grading or mechanical augering shall be permitted within five hundred (500) feet of an occupied raptor nest during the nesting season (February 15 through August 31)." The summary language (p. 2) and CEQA discussion (p. 23) should conform with this language.
2. On pg. 21, second paragraph, lines 5, 6 and 7, the staff report states, "the Commission's staff ecologist, concluded that Southern tar plant on the subject site met the Coastal Act definition of ESHA." This is incorrect; the staff ecologist found that Southern tar plant on the subject site does not meet the Coastal Act definition of ESHA. The staff report is correct in its other references to Southern tar plant not being ESHA, for example, on pg. 2, and four lines after the citation on pg. 21.
3. **Please consider adding the statement below to the staff report addendum; suggested location: pg. 7 of Staff Report as section "E" of Condition 6, Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris:** The unusually high quantity of precipitation thus far in the 2010-2011 rain season has resulted in higher than normal levels of groundwater in the subject area, based on Pacific Soils' latest piezometer readings. In order for the proposed combined geotechnical and archaeological investigation to be most productive, it may be necessary to remove water that seeps into the excavated trench. In anticipation of this possibility, a storage tank will be brought onsite and placed within the fenced work area. If water must be removed from the trench, it will be pumped to the storage tank where it will be contained and any sediment would be allowed to settle out. The de-silted water would then be pumped into a water truck and subsequently broadcast sprayed onto the farmed areas within the "RL" designated land, per the certified LUP. If sediment accumulates in the storage tank, it will be properly disposed of at a location outside of the Coastal Zone at the conclusion of the proposed investigation. Considering the dimensions of the proposed trench, if water removal is necessary, the quantity is not anticipated to exceed 1,000 gallons, and sediment is expected to be only a few cubic yards in volume.

By the way, the last sentence of the first full paragraph on page 17 is incomplete.

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2/7/2011

Thank you. Please email back to this address or call me on my cell (714/719-7830) if you have any questions or comments.

Ron

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STATE OF CALIFORNIA

Edmund G. Brown, Jr. Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 957-5380
Web Site www.nahc.ca.gov
e-mail: da_nahc@pacbell.net

RECEIVED
South Coast Region

JAN 28 2011

**CALIFORNIA
COASTAL COMMISSION**

WHe

January 28, 2011

Ms. Teresa Henry, District Manager

California Coastal Commission, South Coast District

1200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RE: Geotechnical / Archaeological Investigation on the Parkside Homes (Shea Homes) Project Site

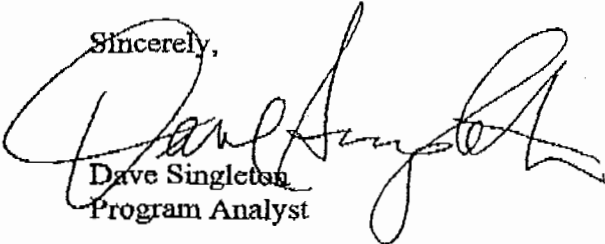
Dear Ms. Henry:

The California Native American Heritage Commission (NAHC), as the State Trustee Agency for the preservation and protection of Native American cultural resources and burial grounds, as reviewed this project pursuant to the California Environmental Quality Act (CEQA); therefore, we are familiar with the project scope. The NAHC is concerned that both the City of Huntington Beach and the California Coastal Commission ensure that every measure of precaution be taken due to the fact that the project site is very culturally sensitive. The proposed levee required by the project actually abuts the CA-ORA-83 Cogged Stone Site where multiple remains, determined Native American in origin, were inadvertently discovered in 2006.

Regarding the proposed archaeological testing of the project site, the NAHC feels that that is an appropriate action. Should impacted 'midden soil' be identified in the testing process, the NAHC recommends that the area where midden soil is present be avoided by project activity. This would be consistent with California CEQA Guidelines §15370. Further, the NAHC recommends, should the California Coastal Commission (CCC) issue a permit for such testing that Native American Monitors be employed by the project proponent, and that both the CCC and the Native American Heritage Commission be notified by the project proponent or developer should any Native American archaeological resources be discovered as a result of project activity.

If you have any questions concerning our comments, please do not hesitate to contact me.

Sincerely,


Dave Singleton
Program Analyst

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South Coast Region
FEB - 7 2011

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COASTAL COMMISSION

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ENDORSEMENTS

Amigos de Bolsa Chica
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Foundation
Anza Borrego Foundation
Ballona Wetlands Land
Trust
City of Huntington Beach
Friends of Harbors,
Beaches and Parks
Huntington Beach
Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of
Women Voters
Orange County
Coastkeeper
Peninsula Open Space Trust
Sea and Sage Audubon
Sierra Club
Angeles Chapter
Surfrider Foundation

February 2, 2011

Ms. Sara Wan, Chair
Members of the Commission
California Coastal Commission
200 OceanGate - 10th Floor
Long Beach, CA 90802-4416

**RE: February 2011 Item W14c- Application No. 5-11-011 (Shea Homes,
Huntington Beach)**

Dear Chairwoman Wan and Members of the Commission:

These comments are submitted on behalf of the Bolsa Chica Land Trust, a grassroots, nonprofit organization of nearly 6,000 members residing in California and twenty other states. Our objective is to provide recommendations to the California Coastal Commission (CCC) which will ensure protection of the coastal zone resource values of the Bolsa Chica ecosystem in Huntington Beach, California.

There are three (3) main points of this Geotechnical/Archeological investigation we wish to address:

**I. The Need for an Archeological Research Design is
not Forfeited**

"Therefore, there is no need to carry out subsurface investigations in the form of a typical ARD in an area that will not be developed since the investigations all involve adverse impacts to any existing resources, to some extent or the other." (Staff Report, pg. 18)

The Land Trust supports the effort to conserve resources and not disturb them. It should be noted that the lack of an ARD for this limited investigation should not preclude the necessity for an ARD being required for the pending coastal development permit application (5-09-182) at this same location. The recent discovery of human remains during excavation for a cultural center in Los Angeles (La Plaza) makes it clear that one can never assume what will be discovered.

5200 Warner Avenue - Suite 108 - Huntington Beach, CA 92649 - (714) 846-1001
www.bolsachicalandtrust.org

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II. Preservation of Archeological Resources Takes Precedence

"All work shall be done in a manner most protective of the mapped archaeological site, CAORA-83/86/144..." (Staff Report, pg. 6)

"The goal of the geotechnical investigation is to find an alignment that is geotechnically sound but that also minimizes impacts to any intact midden or significant features, if they are present. If any intact midden or significant features are encountered, the proposed trenching and auguring must be redirected to avoid further impacts to the intact midden or significant features." (Staff Report, pg. 18)

The Land Trust supports careful examination of archeological resources and wishes to emphasize that archeological artifacts, if found, take priority over previous plans or timetables. Special Condition 3, requiring the redirection of work if artifacts are found, is essential.

In July 2009, ORA 83 was listed as eligible as a federally recognized National Historic Site. This is the only such prehistoric site in coastal Southern California.

It is unfortunate that Bolsa Chica's archeological and cultural resources, ORA-83 specifically, have been examined in such a piecemeal fashion, as individual projects are brought forward, and not as one shared community. This prehistoric site has been fragmented by this disjointed approach.

III. Additional Approval Needed for the VFPP

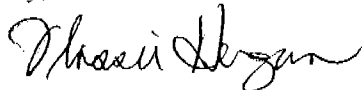
"The Commission notes that this application does not approve the construction of a flood protection structure." (Staff Report, pg. 12)

The Land Trust remains opposed to the VFPP in the proposed location. While flood protection is needed, it should be situated as far upland as possible, close to the homes that need protecting. We hope this item is reevaluated when it is time to consider pending application 5-09-182.

Conclusion

In general, the Land Trust supports the staff recommendation to approve CDP No. 5-11-011 with six (6) special conditions.

Sincerely,



Flossie Horgan, Executive Director
Bolsa Chica Land Trust

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Teresa Henry

From: Julie Bixby [julie@bixby.org]
Sent: Monday, January 31, 2011 9:16 PM
To: Meg Vaughn; Teresa Henry
Subject: Staff report - Shea Geotechnical CDP - W14e Feb 2011

Meg & Teresa,

Some parts of the Shea Geotechnical staff report are unclear and/or need proofreading:

(1) On page 3 it says:

"The recent land use plan (HNB-MAJ-1-06) and implementation plan (HNB-MAJ-1-10) amendments for the subject Parkside Estates site are not yet fully certified."

But then on Pages 13 & 18 it says:

"the certified Land Use Plan, Table C-2 (Community District and Subarea Schedule), subarea 4-K for the Parkside Estates area,..."

So, on Page 3 the LUP is "not yet fully certified", but on Pages 13 & 18 it is certified?

(2) On page 17, the report mentions the Goodell permit:

"Other than the placement of stakes to mark grids, no ground disturbance or subsurface excavation or earth movement was permitted."

I mentally added 3 words to that sentence-- "but occurred anyway". Why is there no mention of the permit violation? Is it considered irrelevant? Just because it wasn't allowed doesn't mean it didn't happen.

(3) Also on Page 17, you have an incomplete sentence:

"The geoarchaeologist and archaeologist will examine the exposed soils to determine"

Determine what?

(4) On Page 21, you have Dixon saying the tarplant is ESHA, then have him saying it's not ESHA, all in the same paragraph:

"...the Commission's staff ecologist, concluded that Southern tar plant on the subject site met the Coastal Act definition of ESHA."

but

"...and it is my opinion that these areas do not meet the definition of ESHA..."

(5) actually, the Dixon quote does not have concluding quotation marks, so where does the quote end?

66

Julie Bixby
Engage Romulan .sig cloaking device...

67

Teresa Henry

From: KatCalls@aol.com
Sent: Tuesday, February 01, 2011 7:21 AM
To: Teresa Henry; bigrockcreek@msn.com
Subject: ORA83

Dear Ms Henry

As a California Native Indian I would appreciate an effort to stop the disruption of a known site before it comes to the point of discovering more "significant items" and having to call in a monitor. Please go with other options rather than ope again disturbing our ancestors for development.

thank you

kat high

68

2/7/2011

Teresa Henry

From: Robert Leon [loveberlin_59@att.net]
Sent: Tuesday, February 01, 2011 11:26 AM
To: Teresa Henry
Cc: loveberlin_59@att.net
Subject: Haku

To whom it my concern: I Robert M. Leon am appalled at the continued desecration of Bolsa Chica developers. Nothing is sacred to them except money. When is it going to stop! Too, many sites along the coast have been destroyed in the past and how many more in the future. This is Native American village. It seems that the dominate culture has been destroying and not preserving an ancient culture. A history that has meaning with our proud people.

Robert M. Leon
tuk' e' m



69

Teresa Henry

From: Lou Ann Denison [lannd4animals@charter.net]
Sent: Tuesday, February 01, 2011 2:10 PM
To: Teresa Henry
Subject: disruption of ORA 83

Pease stop the disruption of ORA 83 by not allowing the permit.

Thank you!
Sincerely,

Mr. and Mrs. James Denison
6931 E 11 TH ST
Long Beach, CA, 90815

70

Teresa Henry

From: paul moreno [bigrockcreek@msn.com]
Sent: Tuesday, February 01, 2011 6:46 PM
To: Teresa Henry
Subject: shea property

Dear Ms. Henry,

I deeply oppose any more destruction of CA-ORA-83/86/144. The brightwater development destroyed almost all of CA-ORA-83. We cant allow the continued desecration of our most precious sacred site. The site is being attacked from every angle. Please allow what's left of the site to remain intact and left alone.

According to pacific soils report (dec 22,2010) work order 102300. They state that they do not want to impact intact archaeological midden or significant features. If that's the case, then why aren't they trying alternative measures. They should be digging somewhere else and not near the bluff of 83. Based on LSA's core samples(07/2009 and 03/2010) they did find midden layers. They no that they are going to find intact midden and resources. Why do we have to go down this path again. Yes we agree that there most likely not going to impact anything in the southern portion, but on the north half and along the slope we believe you have a 100% possibility of impacting resources. Has staff read the reports from july 2009 and march 2010?????

We urge the CCC to not allow an exemption request, and to not allow the continual destruction of our most precious sacred site.

Paul Moreno

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2/7/2011

Teresa Henry

From: Patricia Martz [p.martz@cox.net]
Sent: Tuesday, February 01, 2011 8:09 PM
To: Teresa Henry
Subject: Staff report - Shea Homes Application # 5-11-011

Dear Ms. Henry,

I regret that I have to teach Wednesday, Feb. 9th and I won't be able to attend the hearing. I am teaching a class at Cal State L.A. this winter quarter and don't get home until late evening.

I wish to register my opposition to the proposed levee because it will cause significant damage to the National Register eligible 9000 year old cogged stone site.

I am concerned about the statement in the last paragraph of page 7 A. Project Description, Location and Background. "Although the mapped archaeological site is extensive and extends onto three other properties to the west of the project site (the Goodell site, Hearthside Homes' the Ridge project site and Hearthside Homes' Brightwater development), only a small portion of the Bolsa Chica Mesa slope where the archaeological site is located extends into the western boundary of the project. The small portion of the mapped archaeological site that extends onto the project site will be impacted by the proposed project." This gives the impression that most of the cogged stone site is intact and so it is not important that "only a small portion" of the site will be impacted. The Commission should know that over 11 acres of the cogged stone site was destroyed by the Brightwater housing development and that housing developments are proposed for the remaining portions of the site on the Goodell property and the Ridge property.

The decision regarding the granting of a permit for the levee (VFPF) should not be made in a vacuum. There should be full disclosure. The site is being piece meal away and this project is a significant piece.

Sincerely,

Patricia Martz

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2/7/2011

Teresa Henry

From: Martha Lujan [makela_98@yahoo.com]**Sent:** Wednesday, February 02, 2011 4:42 PM**To:** Teresa Henry**Cc:** Susana Salas**Subject:** ORA 83

Dear Ms. Henry,

We are so glad to know that you are open to and interested in supporting this very important petition. As we are both of native American descent (Ruben is 1/2 Chiricahua Apache and I am 1/2 Pascua Yaqui), we are concerned that anyone would consider building anything at all above our ancestor's burial sites. My parents are both buried at Calvary Catholic Cemetery in Los Angeles and Ruben's parents are both buried at Resurrection Catholic Cemetery in San Gabriel. If any developer wanted to build anything above their burial sites, I'm certain we would not be alone in protesting that action. It's time that people realized the importance of protecting all of our sacred sites. Remember the poem -first they came for the Jews, and no one spoke up. Then they came for..... and finally, they came for us....and there was no one left to speak for us. That may be the ultimate disaster - when the developers start building over our cemeteries in the United States! Please listen to the plea of our people. Thank you.

Ruben Luján Rodríguez and Martha Enriqueta Serrano Luján

73

February 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn.: Teresa Henry, District Manager/Project Analyst

Re: ORA 83 at Bolsa Chica

Dear Ms. Henry,

This letter is written to express our continued outrage and concerns about the desecration of the Gabrielino/Tongva and Juaneno/ Acjachemen sacred cemetery at Bolsa Chica (ORA 83). As you know, there have been many Ancestors and religious items including Cogged Stones unearthed at this sacred cemetery. We believe that there is a high probability that there are additional undisturbed Ancestors and religious items at ORA 83.

Therefore, we expect that a building permit not be issued to any developer for any purpose including the request for a wall near the Goodell property. We do not believe that if Ancestors or religious items were found that digging would stop since that has not taken place in the past. We are aware that LSA did find "intact deposits" which further supports the fact that our Ancestors are at risk of desecration.

We expect the California Coastal Commission will monitor ORA 83 and encourage the developer to pursue other options so that our Ancestors are not disturbed which will ensure that no further desecration take place at Bolsa Chica.

Ms. Henry, please assist us in preserving our history and our way of life.

Sincerely,

Susan Salas
Southern California Coalition to Preserve Sacred Sites

74

Teresa Henry

From: Louie [brolouie3@earthlink.net]
Sent: Wednesday, February 02, 2011 11:17 PM
To: Teresa Henry
Subject: Fw: objection to Permit 5-11-011

-----Forwarded Message-----

>From: Louie <brolouie3@earthlink.net>
>Sent: Feb 2, 2011 11:15 PM
>To: thenry@coastal.co.gov
>Subject: objection to Permit 5-11-011

>
>Dear Ms. Henry,

> As an enrolled tribal member of the Juaneno Band of Mission Indians, Acjachemen Nation I object to the further destruction of the sites on the Bolsa Chica Mesa. So much of the unique history that belongs to not just my family but to all Californians has already been erased by the development by Hearthside Homes. I implore the commission to deny the permit 5-11-011 (Shea Homes) and insist the developer consider alternate plans.

>Sincerely,

>Louis Paul Robles, Jr.

>Long Beach, CA

75

Teresa Henry

From: rebecca robles [rebrobles1@gmail.com]
Sent: Thursday, February 03, 2011 6:26 AM
To: Teresa Henry
Subject: Sacred Site at Bolsa Chica

Dear Ms Henry,

This letter is to sent to express concern and outrage for the destruction of the culture site on Bolsa Chica Mesa. The area has been destroyed and desecrated over the last 30 years. As you know the unique coggled stone site is held sacred to many of the local Native Americans. We believe that the Goodell property is a part of ORA 83 and there is a high probability that Ancestors and religious items are at this site.

We expect that the building permit for developers to build for any purpose including a wall near the **not be issued**. We expect that the Coastal Commission will monitor ORA 83 and encourage the developer to pursue other options so that further disruption of Ancestors is avoided.

Sincerely,

Rebecca Robles
119 Avenida San Fernando
San Clemente, CA 92672

76

David McCue
5832 Padua Dr.
Huntington Beach
CA 92649

February 3, 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn.: Teresa Henry, District Manager/Project Analyst

Re: ORA 83 at Bolsa Chica

Dear Ms. Henry,

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Therefore, we expect that a building permit not be issued to any developer for any purpose including the request for a wall near the Goodell property. We do not believe that if Ancestors or religious items were found that digging would stop since that has not taken place in the past. We are aware that LSA did find "intact deposits" which further supports the fact that our Ancestors are at risk of desecration.

We expect the California Coastal Commission will monitor ORA 83 and encourage the developer to pursue other options so that our Ancestors are not disturbed which will ensure that no further desecration take place at Bolsa Chica.

Ms. Henry, please assist us in preserving our history and our way of life. The people of California have lost so much to development, wouldn't a good look at the facts be the prudent choice. Once the ground is unearthed, the history is lost. Doesn't the fact alone that Cogstones are only known to be found here in Huntington Beach and at only one other site in South America raise a question of what further will be lost?

Isn't there some reasonable solution to further desecration tahn plodding along in the name of progress.

Sincerely,

David L. McCue.

Linda Candelaria

27688 Tangelo St.
Cathedral City, CA 92234
760 904-6533
PalmSprings9@yahoo.com

February 3, 2011

RECEIVED
South Coast Region

FEB - 7 2011

Teresa Henry, District Manager/Project Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

Re: ORA 83 at Bolsa Chica

Dear Ms. Henry,

This letter is written to express our continued outrage and concerns about the desecration of the Gabrielino-Tongva and Juaneno/Acjachemen sacred cemetery at Bolsa Chica (ORA 83). As you know, there have been many Ancestors and religious items including Cogged Stones unearthed at this sacred cemetery. We believe that there is a high probability that there are additional undisturbed Ancestors and religious items at ORA 83.

Therefore, we expect that a building permit not be issued to any developer for any purpose including the request for a wall near the Goodell property. We do not believe that if Ancestors or religious items were found that digging would stop since that has not taken place in the past. We are aware that LSA did find "intact deposits" which further supports the fact that our Ancestors are at risk of desecration.

We expect the California Coastal Commission will monitor ORA 83 and encourage the developer to pursue other options so that our Ancestors are not disturbed which will ensure that no further desecration take place at Bolsa Chica.

Please assist us in preserving our history and our way of life.

Sincerely,



Linda Candelaria
Gabrielino-Tongva Tribe
Tribal Councilwoman

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RECEIVED
South Coast Region

FEB 3 2011

CALIFORNIA
COASTAL COMMISSION

February 02, 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
Attn.: Teresa Henry, District Manager/Project Analyst

Re: Parkside Project /Shea property / ORA 83 at Bolsa Chica

Dear Ms. Henry,

This letter is written to express my deep concerns about the tragic desecration of the **Gabrielino/Tongva and Juaneno/ Acjachemem Sacred Cemetery** at Bolsa Chica (ORA 83). As you know, there have been many Ancestors and religious items including Cogged Stones unearthed at this sacred cemetery. I believe that there is a high probability that there are additional undisturbed Ancestors and religious items at ORA 83.

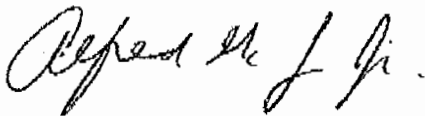
I wish to register my opposition to the proposed levee near the Goodell property. I ask that a building permit not be issued to any developer for any purpose including the request for this levee. I do not believe that if Ancestors or religious items were found that digging would stop since that has not taken place in the past (for example the Brightwater Project). It was brought to my attention that LSA did find "intact deposits" which further supports the fact that the Ancestors are at risk of further desecration.

I hope the California Coastal Commission will closely monitor ORA 83 and encourage the developer to pursue other options so that the Ancestors are not disturbed , ensuring that no further tragic desecration take place at Bolsa Chica.

Ms. Henry, please assist me further in preserving history and a way of life.

Thank You.

Sincerely,



Alfred G. Cruz, Jr
Juaneno Band of Mission Indians , Acjachemem Nation

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Coastal Commission Letter 2/01/11

David E. Hamilton
5401 Kenilworth Drive
Huntington Beach, CA 92649
Phone: (714) 840-8901
E-mail: de.hamilton@verizon.net

W-14e

February 1, 2011

Ms. Teresa Henry
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416
Fax: (562) 590-5084

RECEIVED
South Coast Region

246
FEB 8 2011

CALIFORNIA
COASTAL COMMISSION

Re: CCC Agenda item W-14e: Shea/Parkside Development site & Bolsa Chica wetlands conservation

Dear Ms. Henry,

My comments on the subject development CDP concern the overall design of the reconstructed/restored EPA wetland. The design plans lack sufficient detail to tell if the restored wetland is either a retention basin or a detention basin. The text of the Habitat Management Plan (HMP) does not make it clear. That text only references a "standpipe" at the central point of drainage. The text also states the wetland will only be wet during and after rain events and remain dry otherwise. Thereby the overall design is more that of a large catch basin than of a reconstructed wetland. A better description would be that of a tumbleweed trap in the dry season. This is not a satisfactory design. A far better design would have the basin detain, i.e. pond, sufficient water to remain wet in all but the driest periods. This would allow flora and soils better conditions to take on true wetland characteristics over time.

I have been in strong support of the Coastal Commission's continued requirement that the "EPA wetlands" be set aside for preservation as wetlands. My concern is now that the requirement is restoration as a true wetland in *all* respects. As is, the design seems to be otherwise. Please amend the CCC staff recommendation to correct any design deficiencies that would produce anything other than a *true* wetland where plants and wildlife can benefit and flourish.

Thank you for taking the time to consider my comments. I appreciate and support the Commission and staff in their efforts to protect and preserve our coastal resources.

Sincerely,

David E. Hamilton
California Homeowner

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CALIFORNIA COASTAL COMMISSION

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

**W14e**

Filed: 1/18/11
49th Day: 3/8/11
180th Day: 7/17/11
Staff: T. Henry-LB
Staff Report: 1/26/11
Hearing Date: 2/9/11
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER: 5-11-011**

APPLICANT: Shea Homes,
Ron Metzler and John Vander Velde

AGENT: Hunsaker & Associates,
Rick Fitch

PROJECT LOCATION: 17301 Graham Street, West of Graham, north of the Wintersburg Channel, Huntington Beach, Orange County

PROJECT DESCRIPTION: Conduct a geotechnical investigation, co-directed by a geoarchaeologist and an archaeologist, consisting of grading an approximately 300 ft. long by 2.5 ft. wide by 4 ft. deep trench and ten 30 to 35 ft. deep hollow-stem auger borings. The trench and borings will be backfilled upon completion of the approved work. Total grading consists of approximately 246 cubic yards (143 cy cut, 143 cy fill). The proposed investigation will impact a portion of a mapped archaeological site, CA-ORA-83/86/144, wetland and Eucalyptus ESHA buffers, and Southern tar plant. The tar plant will be preserved adjacent to the proposed temporary trench and relocated to a permanent open space area through a subsequent coastal development permit application. The purpose of the geotechnical investigation is to determine the feasible alignment for the future vegetated flood protection feature (VFPF) to support the future Parkside Estates residential project and surrounding built-out neighborhood while minimizing impacts to the mapped archaeological site. The proposed project will also be monitored by Native Americans from the Gabrielino and Juaneno tribal groups.

SUBSTANTIVE FILE DOCUMENTS:

Huntington Beach LCP Amendment HNB-MAJ-1-06(Parkside); Huntington Beach LCP Amendment HNB-MAJ-2-10(Parkside); Archaeological Research Design, Treatment Plan for Site CA-ORA-83/86/144, and Monitoring Plan, Parkside Estates Project, City of Huntington Beach, Orange County, California, LSA, July 21, 2010; Archaeological Research Design For Archaeological Grading at the Parkside Estates Project, City of Huntington Beach, Orange County, California, LSA, November, 2010; R5-05-020(Hearthside Homes-Brightwater); 5-10-035-X(Goodell); 5-10-258(Goodell).

SUMMARY OF STAFF RECOMMENDATION:

The Coastal Act issues involved in this application are coastal hazards and protection of archaeological and biological resources. The subject Parkside Estates site is located in the City of Huntington Beach, immediately north of the East Garden Grove Wintersburg Flood Control Channel and the Bolsa Chica muted tidal wetland restoration area to the west. The site is subject to both flooding and liquefaction. The easternmost edge of a significant archaeological site located on the Bolsa Chica Mesa, CA-ORA-83/86/144 (known as the Cogged Stone site) extends onto the project site. Although the mapped archaeological site is extensive and extends onto three other properties to the west of the project site (the Goodell site, Hearthside Homes' the Ridge project site and Hearthside Homes' Brightwater development), only a small portion of the Bolsa Chica Mesa slope where the archaeological site is located extends into the western boundary of the project site. The Commission recently certified amendments to the Huntington Beach Local Coastal Program including land use designations and zoning that would allow the development of the Parkside Estates site with low density residential development as well as open space/conservation of the on-site wetlands and environmentally sensitive habitat areas (ESHA) resources. As was determined during the LCP amendment deliberations, some type of flood protection structure must be provided on the project site, even if the Parkside Estates development (pending application 5-09-182) does not go forward, due to the flooding potential to both the subject site and the surrounding area that is currently built out with approximately 800 homes. The subsurface flood protection structure must tie into the bluff that is located on the western edge of the project site and the flood control channel on the south, in order to provide the necessary flood protection and be geotechnically sound (Exhibit 3). There are constraints to the location of the required future flood protection structure (VFPP) given the mapped archaeological site, two on-site wetlands and two Eucalyptus ESHAs, and their required buffers. The Commission found in approving the LCP amendment that a flood protection levee in the buffer areas for the ESHA and wetland is an allowable use, provided it is the least environmentally damaging feasible alternative.

The proposed geotechnical investigation is not exempt and requires a coastal development permit because development (grading a trench and mechanical augering) will take place within a mapped archaeological site. Additionally, trenching and augering will take place within designated wetland and ESHA buffers. During the LCP amendment deliberations geotechnical information was presented that indicated the general location and type of flood protection structure that would be needed. However, any feasible alignment would result in a subsurface encroachment into a mapped archaeological site, CA-ORA-83/86/144 (Exhibit 4) as well as subsurface and surface encroachment into the AP Wetland buffer, northern and southern Eucalyptus ESHA buffers and Southern tar plant (Exhibit 3). No direct encroachment into the AP Wetland or the Eucalyptus ESHAs will occur. The Southern tar plant on the project site was determined by the Commission's staff ecologist not be ESHA. The application includes measures to minimize impact to the

archaeological site and the AP Wetland buffer and the Eucalyptus ESHA buffer areas. A geoarchaeologist and an archaeologist will co-direct the geotechnical investigation along with the soils engineer, to identify any intact archaeological midden or significant archaeological features. Native Americans from the two affected tribal groups, as designated by the Native American Heritage Commission (NAHC), will also monitor the trench excavations and borings. If any intact midden or significant features are encountered, the trenching or mechanical augering will be redirected to avoid any further disturbance of these resources and the resources will be left in place and reburied. For these reasons, staff is recommending approval of the proposed project subject to special conditions requiring: (1) the submittal of grading plans that are substantial conformance with the proposed project description; (2) conformance with the proposed construction staging plan in order to avoid impacts to the adjacent ESHA and wetland areas and minimize impacts to the ESHA and wetland buffers; (3) that the applicant carry out the proposed geotechnical investigation in a manner that is most protective of the mapped archaeological site, as proposed in the January 17, 2011 project description as revised January 21, 2011; (4) that the Southern tar plant and seed bank within the work area be removed prior to grading and reserved within the fenced work area until it can be replanted in a permanent open space area in conjunction with the pending Parkside Estates development or a subsequent coastal permit application; (5) the prohibition of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); (6) and the implementation of construction best management practices and good housekeeping practices to prevent impacts to the adjacent marine resources.

The standard of review for the subject project is the Chapter 3 policies of the Coastal Act. The recent land use plan (HNB-MAJ-1-06) and implementation plan (HNB-MAJ-1-10) amendments for the subject Parkside Estates site are not yet fully certified. The land use plan and implementation plan amendments will serve as guidance.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-11-011 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS:

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

III. SPECIAL CONDITIONS

1. Grading Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit two (2) full size sets of grading plans for the review and approval of the Executive Director. The grading plans shall be in substantial conformance with the applicant's proposal by Pacific Soils Engineering, Inc. (Work Order 102300) dated January 17, 2011 and revised January 21, 2011, for an approximately 300 ft. long by 2.5 ft wide by 4 ft. deep trench and the excavation of approximately ten 30 to 35 ft. deep, 8 inch diameter hollow-stem auger borings. In the slope area, due to shoring requirements, the trench will be 38 inches wide and the depth of the trench will be until either Pleistocene alluvium exposure, observance of intact midden or significant features or a depth of 8-9 feet is achieved. The total grading amount is approximately 246 cubic yards (143 cy cut, 143 cy fill). All trenching and borings shall be backfilled.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the approved grading plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Conformance With Construction Staging Plans

The applicants shall conform with the construction staging plans received on January 17, 2011 which indicates that the construction staging area(s) and construction corridor will avoid impacts to wetlands and Eucalyptus ESHA. Access to the work area shall be via existing road only. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Protection of Archaeological Resources

The applicant shall carry out the proposed geotechnical investigation as proposed in the January 17, 2011 letter from Pacific Soils Engineering, Inc. (Work Order 102300) and revised January 21, 2011, consisting of grading an approximately 300 ft. long by 2.5 ft wide by 4 ft. deep trench and the excavation of approximately ten 30 to 35 ft. deep, 8 inch diameter hollow-stem auger borings. In the slope area, due to shoring requirements, the trench will be 38 inches wide and the depth of the trench will be until either Pleistocene alluvium exposure, observance of intact midden or significant features or a depth of 8-9 feet is achieved.

All work shall be done in a manner most protective of the mapped archaeological site, CA-ORA-83/86/144, including but not limited to, co-direction of the proposed project by a geoarchaeologist, and an archaeologist along with the soils engineer and monitoring by a Native American from each of the Gabrielino and Juaneno tribal groups. If any intact midden or significant archaeological features are encountered, exposure of the resources shall be minimized to the maximum extent feasible and they shall be left in place, documented and reburied. If intact midden or significant features are found, the path of the trench shall be redirected along a geotechnically feasible alternative alignment in order to avoid further impacts to any intact midden or significant features.

4. Protection of Biological Resources

In order to minimize impacts to the AP Wetland buffer and the southern Eucalyptus ESHA buffer the applicant shall fence the work area and stage all construction material and stockpile all soils within the fenced work area as shown on Exhibit 4 of the January 17, 2011 project description by Pacific Soils Engineering, Inc. (Work Order 102300). No work is permitted within any wetland or ESHA. Prior to grading, the applicant shall remove any southern tar plant within the work area, as generally shown on Exhibit 4 of this staff report, including the top two inches of soil containing the seed bank (approximately five cubic yards) and shall preserve the material on-site within the fenced work area so that it may be relocated to a suitable permanent open space/conservation area within the Parkside Estates site as a part of the coastal development permit application for the Parkside Estates residential project or other coastal development permit application.

Upon completion of the approved project, all soils shall be backfilled, all construction materials shall be removed and the project site shall be restored to the existing conditions with the exception of the removal of the southern tar plant within the work area.

5. Protection of Nesting Raptors

No grading or mechanical augering shall be permitted within five hundred (500) feet of an occupied raptor nest during the nesting season (February 15 through August 31). One week prior to the commencement of grading, the applicant shall conduct a survey of all trees within the northern and southern Eucalyptus ESHA that are within five hundred (500) feet of the work area, to determine if raptor nesting is occurring. The survey shall be conducted by a qualified biologist. The applicant shall submit, subject to the review and approval of the Executive Director, the biologist's survey, including a map of the required survey area and survey report. The survey and report shall be submitted to the Executive Director within 2 days of completion and prior to commencement of grading.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- A. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- C. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or run-off of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: storm drain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. All BMPs shall be maintained in a functional condition throughout the duration of the project.
- D. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description, Location and Background

The proposed project is to carry out a geotechnical investigation to determine the alignment and design of the future vegetated flood protection feature (VFPF) required for flood protection for the adjacent built-out neighborhood and the future Parkside Estates residential project (pending coastal development permit application 5-09-182). A future VFPF is required to extend from the north levee of the adjacent East Garden-Grove Wintersburg Flood Control Channel on the south to the Bolsa Chica Mesa slope on the western site boundary in order to provide flood protection from extreme high tides occurring concurrently with storm surge events. The future VFPF will have a subsurface stabilization structure consisting of overlapping 7-foot diameter soil-cement columns but above ground will appear as an earthen vegetated berm. The easternmost edge of a significant archaeological site located on the Bolsa Chica Mesa, CA-ORA-83/86/144 (known as the Cogged Stone site) extends onto the project site (Exhibit 4). Although the mapped archaeological site is extensive and extends onto three other properties to the west of the project site (the Goodell site, Hearthside Homes' the Ridge project site and Hearthside Homes' Brightwater development), only a small portion of the Bolsa Chica

Mesa slope where the archaeological site is located extends into the western boundary of the project site (Exhibit 5). The small portion of the mapped archaeological site that extends onto the project site will be impacted by the proposed project. The northernmost portion of the proposed temporary trench, as well as any future subsurface stabilization of the VFPP, will be partially located within the small portion of the mapped archaeological site that extends onto the western bluff edge of the project site. The VFPP must tie into the competent bluff in order to provide effective protection from liquefaction and flooding. In order to reduce the encroachment into the cultural site, the future subsurface stabilization in the slope area may consist of 5/8 inch thick sheet pile, as opposed to the 7 foot diameter soil-cement columns that will be necessary in the flat portion of the site. Because the proposed geotechnical investigation will impact the on-site mapped archaeological site, the proposed investigation will also be co-directed by a geoarchaeologist and an archaeologist, as well as be monitored by Native Americans from the two affected tribal groups. The goal of the investigation is twofold: to identify a path for the subsurface stabilization for the VFPP that satisfies geotechnical engineering requirements while avoiding or minimizing impacts to intact archaeological midden or significant features.

The geotechnical investigation will be carried out in two phases; the excavation of an approximately 300 ft. long by 2.5 ft. wide by 4 ft. deep trench as the first phase and the mechanical excavation of approximately ten 30 to 35 ft. deep hollow-stem auger borings as the second phase. The trench will be back-filled prior to commencement of phase two. Following phase two the soils from the hollow-stem augers will also be backfilled. The proposed investigation will be carried out by first installing security/work area boundary fencing (6 ft. high chain link fencing), which will also serve to protect the adjacent wetland and Eucalyptus ESHA areas and minimize the encroachment into the wetland and Eucalyptus ESHA buffers. All work and equipment staging, security trailer and portable toilet will be located within the fenced geotechnical work area (Exhibit 4).

Approximately five cubic yards of Southern tar plant and the topsoil containing any tar plant seed will be removed prior to grading and segregated from other excavated soil and preserved on-site. The Southern tar plant will be permanently relocated in conjunction with the pending application for the Parkside Estates residential project (5-09-182) or other CDP. The 300 ft. long, 30 inch wide trench will be dug beginning in the northern portion of the flat area. The entire project will be carried out under the co-direction of the soils engineer, an archaeologist and geoarchaeologist although the previous archaeological testing indicated that it is unlikely that intact midden would be found in the flat area but it will be possibly encountered in the slope area. The trench will be dug in a careful and gradual manner in order to reduce the impacts on any intact midden or significant archaeological features, if they are encountered. Once the approximately 2 foot deep overburden is removed, the trench will be dug in eight inch layers and 15 foot long segments to a depth of 4 feet. Once the excavation and examination are completed the trench will be backfilled and the phase two mechanical augering will take place. The auger boring will be drilled to the ultimate depth of the future VFPP, approximately 35 feet. In order to reduce impacts to any intact midden, an 8-inch diameter hollow-stem auger will be

used. Continuous sampling will be conducted through the center of the auger by advancing a 3-inch diameter sampling device. If any intact midden or significant features are encountered in the auger samples the boring will be terminated and an alternative alignment will be explored.

Although the majority of the trench will be 4 feet deep, in the slope area where the mapped archaeological site is located, the trench will be excavated to the competent Pleistocene alluvium material that are expected to be reached at a depth of 8 or 9 feet below the surface. California OSHA safety regulations require the use of shoring for trenches that are 4 feet or deeper. Due to the shoring requirements the trench will also have to be wider (approximately 38 inches) in this area. In the slope area the trench will be excavated in gradual 8 inch increments to reduce the potential impact to any intact midden or significant features and will continue until either Pleistocene alluvium is exposed, intact midden or significant features are encountered, or the depth of 8-9 feet is achieved. If intact midden or a significant feature is encountered, the excavation will be terminated and the excavation backfilled. If intact midden or a significant feature is encountered an alternative alignment will be explored.

The entire project is expected to take 15 to 18 days, including 3 days for set up and 3 days for breakdown. The excavation and backfilling are expected to take 5-7 business days and the mechanical augering and sampling another 4 to 5 days after the backfilling of the trench. The auger borings will also be backfilled following completion of the drilling, sampling and examination.

Project Location

The subject Parkside Estates site is located in the City of Huntington Beach, Orange County (Exhibit 1). At 17301 Graham Street, it is bounded by the East Garden Grove Wintersburg Flood Control Channel (EGGW FCC) to the south, unincorporated Bolsa Chica area to the west, and existing residential uses to the north (along Kenilworth Drive) (Exhibit 2). The development to the north is located within the City. The land to the north and to the east of the project is located outside the coastal zone. The areas located east of Graham Street, south of the EGGWFCC, and immediately north of the subject site along Kennilworth Drive are all developed with low density residential uses. To the northwest, a multi-family condominium development, Cabo del Mar, exists. To the west of the subject site, are undeveloped properties known as the Goodell property and Signal Landmark/Hearthside Homes property (Exhibit 5). To the southwest of the subject site lies the Bolsa Chica Wetlands restoration area (Exhibits 6 and 7). The land area of the subject site adjacent to the Bolsa Chica Wetlands restoration area designated Open Space-Conservation. In addition, on the site's western boundary, generally along the base of the bluff, are two groves of Eucalyptus trees. The trees are used by raptors for nesting, roosting, and as a base from which to forage. The Eucalyptus groves have been designated ESHA by both the Department of Fish and Game and the Coastal Commission. West of the Goodell property is the site of the recently approved Brightwater development for 349 residential units (coastal development permit 5-05-020). The Brightwater site, the

Goodell property, and the Signal Landmark/Hearthside Homes property are located on the Bolsa Chica Mesa.

The majority of the subject site has been more or less continuously farmed since at least the 1950s. The majority of the site is roughly flat with elevations ranging from about 0.5 foot below mean sea level to approximately 2 feet above mean sea level. The western portion of the site is a bluff that rises to approximately 47 feet above sea level. Also, generally near the mid-point of the southerly property line is a mound with a height of just under ten feet. The EGGWFCC levee at the southern border is approximately 12 feet above mean sea level. Historically, the site was part of the extensive Bolsa Chica Wetlands system.

Project Site Background

The Parkside site was the subject of recent Local Coastal Program amendments to the certified Huntington Beach Local Coastal Program, both Land Use Plan and Implementation Plan. On November 14, 2007 the Commission approved HNB-MAJ-1-06, with suggested modifications, affecting the certified Huntington Beach Land Use Plan. The LCP amendment was a project-specific amendment to designate the site for low density residential development on the vacant, approximately 50-acre Parkside Estates site comprising two legal lots, most of which had been historically in agricultural production. The Land Use Plan amendment designated the site Low Density Residential and Open Space – Conservation in recognition of the wetlands and Eucalyptus ESHAs on the site. In October, 2010 the Commission approved, with suggested modifications, the implementation component to carry out the LUP as HNB-MAJ-2-10 which added applicable zoning and provisions to protect the biological and archaeological resources of the site, among other things.

The applicant has a coastal development permit application pending (5-09-182) to develop the property with a 111-unit residential development and open space-conservation land uses. The application became complete in August, 2010. In order to allow this application for additional geotechnical/archaeological testing to go forward first the applicant granted a waiver of the 180 day time limit for Commission action on the pending application. It is the intentions of staff to agendize the Parkside Estates development proposal for the Commission April meeting.

B. Hazards

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Additionally, the certified Land Use Plan contains the following design and development standards regarding protection of new development from coastal hazards:

10. Hazard Mitigation and Flood Protection Plan, including but not limited to, the following features:

- ❖ *Demonstration that site hazards including flood and liquefaction hazards are mitigated;*
- ❖ *Minimization/mitigation of flood hazard shall include the placement of a FEMA-certifiable, vegetated flood protection levee that achieves hazard mitigation goals and is the most protective of coastal resources including wetland and ESHA;*
- ❖ *Assurance of the continuance, restoration and enhancement of the wetlands and ESHA.*

The Commission found in its 2007 deliberations approving LCP Amendment HNB-MAJ-1-06(Parkside Estates) that the subject site and much of the surrounding area are susceptible to tidal flooding. Tidal flooding could occur when extreme high tides occur concurrently with storm surge events. According to some studies, the existing tidal flooding risk was increased with the opening of the ocean inlet into the Bolsa Chica Restoration area, and the creation of the muted tidal wetland areas adjacent to the project site (Exhibits 6 and 7). Regardless of the cause of the flooding, high tides and storm surge will create tidal flooding. The worst case scenario would occur when high tide and storm surge occurs during failure of the levees of the lower reaches of the East Garden Grove Wintersburg Flood Control Channel (EGGWFC) (which is possible as the levees are not FEMA certified).

Under any of the above scenarios, up to 170 acres of inland developed area would be flooded. With or without development of the subject Parkside Estates site, the inland 170 acres of existing development must be protected from flood hazard. The path the tidal flooding would follow unavoidably crosses the subject site. The only way to adequately insure protection of the inland 170 acres of existing development is to install a flood protection levee (vegetated flood protection feature or VFPP) on the subject site or to the southwest of the subject site within the Bolsa Chica "Muted Tidal Pocket" wetlands between the EGGWFCC and the Bolsa Chica mesa (Exhibit 6). Protection of the inland 170 acres would also protect the 50 acre subject Parkside Estates site from flooding. The EGGWFCC is approximately 11 feet above sea level and the bluff at the western site boundary rises approximately 40 feet above sea level. A flood protection levee at this site could effectively capture tidal floods if it is constructed to an elevation above the expected flood flow. The existing EGGWFCC levee in the area adjacent to the subject site is

expected to be reconstructed to meet FEMA certification standards and would have an elevation of 11 feet above sea level (the existing levee's elevation is also 11 feet above sea level). If a flood protection levee were constructed to the same elevation, flood waters would be prevented from flooding the subject site as well as the additional 170 inland acres. With or without development of the proposed site, some form of flood protection is necessary. The subject site happens to provide the optimum location for the flood protection levee necessary to minimize risk to life and property in the 170 developed acres inland of the subject site.

The property owner has indicated, in documents submitted with the related coastal development permit application (5-09-182) and discussed as a part of the Commission's deliberations on the subject LCP amendment, that a vegetated flood protection feature (VFPF) is needed to protect against both liquefaction and ground water seepage. The flood protection feature discussed was expected to be constructed as an earthen levee with an internal sheet pile wall. The applicant's geotechnical consultant on the current application is now considering the use of 30 to 45 ft. deep overlapping 7-foot diameter soil-cement columns in the flat area instead of sheet pile. However, in order to minimize the encroachment into the mapped archaeological site, it may be possible to use 5/8 inch sheet piles for the future VFPF. Without construction of the flood protection levee, even with reconstruction of the north levee of the EGGWFCC along the subject site, flooding of 170 inland acres (including the subject site) would result, during either a tidal surge or a levee failure downstream of the subject site. The 170 acre inland area is developed with approximately 800 homes. Floodwater depth in some homes, it is estimated, would be at least two feet. However, construction of a flood protection levee on the site would be adequate to assure structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In addition, construction of the flood protection levee would minimize risks to life and property from flood hazard.

In order for the flood protection levee to function effectively, it would have to be placed within the buffer area for both the northern and southern Eucalyptus ESHA as well as the AP wetland buffer (Exhibit 3). However, the Commission found in approving the LCP amendment that a flood protection levee in the buffer areas for the ESHA and wetland is an allowable use, provided it is the least environmentally damaging feasible alternative.

The Commission notes that this application does not approve the construction of a flood protection structure. This application is to allow for further geotechnical investigation to determine the geotechnically feasible alignment and design of the future flood protection structure. Because any geotechnically feasible alignment appears to be required to penetrate the mapped archaeological site located on the western bluff edge of the property, the proposed project has been co-developed with an archaeological consultant and will have both a geoarchaeologist and an archaeologist present to direct the work of the soils engineer. Native American monitors from the two affected tribes, as determined by the Native American Heritage Commission, will monitor the work performed under this application.

The proposed geotechnical investigation is not a permanent development as the trench and auger cores will be backfilled upon completion of the investigation. The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant will be shoring the proposed trench where it exceeds four feet in height. Therefore, the proposed project assures stability and structural integrity. The proposed project is consistent with Section 30253 of the Coastal Act.

B. Protection of Archaeological Resources

Section 30244 of the Coastal Act states:

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

Additionally, the certified Land Use Plan, Table C-2 (Community District and Subarea Schedule), subarea 4-K for the Parkside Estates area, contains the following Design and Development Standards and Principles:

A development plan for this area shall concentrate and cluster residential units in the eastern portion of the site and include, consistent with the land use designations and Coastal Element policies, the following required information (all required information must be prepared or updated no more than one year prior to submittal of a coastal development permit application):

3. Archaeological Research Design consistent with Policies C5.1.1, C5.1.2, C5.1.3, C5.1.4, and C5.1.5 of this Coastal Element.

The recently amended Huntington Beach LCP Implementation Plan for the Parkside Estates area contains the following development standard in Chapter 230, Site Standards regarding the protection of archaeological resources:

Section 230.82 E

Archaeological/Cultural Resources Within the coastal zone, applications for grading or any other development that has the potential to impact significant archaeological/cultural resources shall be preceded by a coastal development permit application for implementation of an Archaeological Research Design (ARD). This is required when the project site contains a mapped archaeological site, when the potential for the presence of archaeological/cultural resources is revealed through the CEQA process, and/or when archaeological/cultural resources are otherwise known or reasonably suspected to be present. A coastal development

permit is required to implement an ARD when such implementation involves development (e.g. trenching, test pits, etc.). No development, including grading, may proceed at the site until the ARD, as reflected in an approved coastal development permit, is fully implemented. Subsequent development at the site shall be subject to approval of a coastal development permit and shall be guided by the results of the approved ARD.

Archaeological Research Design (ARD) *The ARD shall be designed and carried out with the goal of determining the full extent of the on-site archaeological/cultural resources and shall include, but not be limited to, postulation of a site theory regarding the archaeological and cultural history and pre-history of the site, investigation methods to be implemented in order to locate and identify all archaeological/cultural resources on site (including but not limited to trenching and test pits), and a recognition that alternative investigation methods and mitigation may become necessary should resources be revealed that indicate a deviation from the initially espoused site theory. The ARD shall include a Mitigation Plan based on comprehensive consideration of a full range of mitigation options based upon the archaeological/cultural resources discovered on site as a result of the investigation. The approved ARD shall be fully implemented prior to submittal of any coastal development permit application for subsequent grading or other development of the site. The ARD shall also include recommendations for subsequent construction phase monitoring and mitigation should additional archaeological/cultural resources be discovered.*

The ARD shall be prepared in accordance with current professional practice, in consultation with appropriate Native American groups as identified by the Native American Heritage Commission (NAHC), NAHC, and the State Historic Preservation Officer, subject to peer review, approval by the City of Huntington Beach, and, if the application is appealed, approval by the Coastal Commission. The peer review committee shall be convened in accordance with current professional practice and shall be comprised of qualified archaeologists.

Mitigation Plan *The ARD shall include appropriate mitigation measures to ensure that archaeological/cultural resources will not be adversely impacted. These mitigation measures shall be contained within a Mitigation Plan. The Mitigation Plan shall include an analysis of a full range of options from in-situ preservation, recovery, and/or relocation to an area that will be retained in permanent open space. The Mitigation Plan shall include a good faith effort to avoid impacts to archaeological/cultural resources through methods such as, but not limited to, project redesign, capping, and placing an open space designation over cultural resource areas.*

A coastal development permit application for any subsequent development at the site shall include the submittal of evidence that the approved ARD, including all mitigation, has been fully implemented. The coastal development permit for

subsequent development of the site shall include the requirement for a Monitoring Plan for archaeological and Native American monitoring during any site grading, utility trenching or any other development activity that has the potential to uncover or otherwise disturb archaeological/cultural resources as well as appropriate mitigation measures for any additional resources that are found. The Monitoring Plan shall specify that archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be utilized. The Monitoring Plan shall include, but not be limited to: 1) procedures for selecting archaeological and Native American monitors; 2) monitoring methods; 3) procedures that will be followed if additional or unexpected archaeological/cultural resources are encountered during development of the site including, but not limited to, temporary cessation of development activities until appropriate mitigation is determined. Furthermore, the Monitoring Plan shall specify that sufficient archaeological and Native American monitors must be provided to assure that all activity that has the potential to uncover or otherwise disturb cultural deposits will be monitored at all times while those activities are occurring. The Monitoring Plan shall be on-going until grading activities have reached sterile soil.

The subsequent mitigation plan shall be prepared in consultation with Native American Heritage Commission (NAHC), Native American tribal group(s) that have ancestral ties to the area as determined by the NAHC, and the State Historic Preservation Officer, subject to peer review.

All required plans shall be consistent with the City of Huntington Beach General Plan and Local Coastal Program and in accordance with current professional practice, including but not limited to that of the California Office of Historic Preservation and the Native American Heritage Commission, and shall be subject to the review and approval of the City of Huntington Beach and, if appealed, the Coastal Commission.

Coastal Act Section 30244 requires that any impacts to significant archaeological resources be reasonably mitigated. Avoidance of impacts to archaeological resources is the preferred alternative, which will avoid mitigation requirements. In the past, as with the Brightwater site, previous Commissions have allowed archaeological research designs (ARD) to be carried out that excavated Native American and other archaeological resources for the purpose of analyzing the artifacts and features as well as human remains, in order to provide information on prehistoric times and conditions. The Native American human and animal remains were reburied on the project site in a permanent open space area but artifacts and features were often sent to museums. These were standard mitigation measures that also served to allow for residential or other types of development of the majority of the site after the resources were relocated. Increasingly, Native Americans, as well as some archaeologists and environmental organizations have found these mitigation measures to be objectionable and have petitioned the Commission

to avoid impacts by allowing the archaeological resources to remain in place, especially when the archaeological resources are Native American human remains.

The proposed project is to carry out a geotechnical investigation to find a feasible alignment for the required subsurface flood protection structure (VFPF) in order to protect the existing surrounding 170 acre built-out residential area from the existing flood hazard and the future development of the project site. The applicant's geotechnical consultants have determined the future VFPF will have to connect the bluff on the western property boundary to the existing flood control channel on the southern boundary with a subsurface barrier in order to achieve the required flood protection. Due to the topography and biological constraints of the project site, any feasible VFPF will most likely have to penetrate the mapped archaeological site.

As stated above, the project site contains the easternmost portion of a mapped archaeological site, CA-ORA-83/86/144. The mapped archaeological site includes a small portion of the lower slope of the Bolsa Chica Mesa that extends into the western boundary of the project site. CA-ORA-83/86/144 is a highly significant, 9,000 year old archaeological site known as the Cogged Stone Site, due to the great number of cogged stone artifacts recovered. ORA-83 has been twice found by the State Historical Resources Commission to be eligible for listing in the National Register of Historic Places. The Cogged Stone Site also lies on three other adjacent sites: the Hearthside Homes "Brightwater" site, located on the west side of Bolsa Chica Street; Hearthside Homes the "Ridge" project site, located on the east side of Bolsa Chica Street, adjacent to Los Patos Avenue; and the Goodell site, located immediately adjacent west of the project site (Exhibit 5). The 105 acre Brightwater development site was recently annexed into the City of Huntington Beach. The predecessor companies to Hearthside Homes received several coastal development permits, beginning in the early 1980's, to conduct archaeological research, salvage and relocation (on-site) of any human remains, features and artifacts that were found. The archaeological research, salvage and on-site reburial took place over the course of approximately 28 years with the final reburial occurring in Spring 2009. Approximately 160 human burials, and several animal burials, over 100 significant archaeological features such as house pits, rock pits, hearths and tens of thousands of beads, charmstones cogged stones and other artifacts have been found on CA-ORA-83. The final archaeological report is still pending. Hearthside Homes Ridge project site is located immediately northwest of the project site and is covered by the certified Huntington Beach Local Coastal Program. That site has undergone numerous surface and subsurface archaeological investigations. A hand excavated test pit dug on this site revealed the presence of a prehistoric house floor and associated artifacts. On August 17, 2010 the City of Huntington Beach submitted an LCP amendment request for the Ridge project site proposing to change the land use designation at the site from Open Space – Parks (OSP) to Residential Low Density and change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Low Density - Coastal Zone Overlay (RL-CZ). The LCP amendment request is currently incomplete. The Goodell site is located immediately west of the subject project site. Unlike the adjacent sites, very little site-specific archaeological investigation has occurred on the Goodell site. The only site

specific, subsurface work that has been conducted on the site is two hand excavated units dug in 1963. However, on April 16, 2010 the Executive Director approved an exemption [5-10-035-X(Goodell)] to carry out archaeological investigation with the use of ground penetrating radar in order to further refine the necessary archaeological research design plan that is being developed for that site. Other than the placement of stakes to mark grids, no ground disturbance or subsurface excavation or earth movement was permitted.

With regards to the subject Parkside Estates site, previous archaeological testing has already been conducted. In July 2009 and March 2010 a series of shovel test pits and auger holes were excavated along the path of the proposed trench. According to the applicant's archaeological consultant, LSA Associates, Inc., those tests were inconclusive but indicate that it is highly unlikely that intact midden would be found in the lower flat area of the proposed trench alignment as well as the flat area of the northern half of the alignment. However, the tests indicated the possibility of encountering intact midden on the slope area containing the mapped archaeological site. Therefore, a geoarchaeologist and an archaeologist will co-direct the proposed investigation to ensure that impacts to the mapped archaeological site are minimized and impacts to any intact midden or significant archaeological features, if present, are avoided or minimized to the maximum extent feasible. The geoarchaeologist and archaeologist will examine the exposed soils to determine

The certified Land Use Plan requires that new development of the Parkside Estates site be consistent with the archaeological policies contained elsewhere in the Coastal Element that were not modified in conjunction with the recent LCP action regarding the Parkside Estates site. The LUP requires that adverse impacts to archaeological resources be avoided where feasible and reasonable mitigation for unavoidable impacts be implemented in conjunction with future site development. Further, the Parkside Estates Implementation Plan amendment requires that an archaeological research design (ARD) be carried out for the subject site prior to review and approval of the application for the future development of the site. An ARD is required when there is a mapped archaeological site on a project site or the site is otherwise known or expected to contain archaeological resources. The ARD provides information, based on subsurface investigation among other things, on the location and extent of any intact midden, significant archaeological features, artifacts or human remains and allows the subsequent development proposal for the site to be designed in a manner that is most protective of any existing archaeological resources.

In this case the project site has been subject to previous archaeological investigation and subsurface testing as outlined above. Previous archaeological investigations have determined that the potential for the presence of archaeological resources is located within the portion of the site that has been designated and zoned for open space-conservation use. Normally, the open space-conservation land use and zoning would not allow the type of development that would impact buried archaeological resources. Therefore, there is no need to carry out subsurface investigations in the form of a typical ARD in an area that will not be developed since the investigations all involve adverse impacts to any existing resources, to some extent or the other. The applicant initially applied to carry out a

proposed ARD as required by the LCP. However, in this case, as detailed in the above Hazards section of the staff report, the project site as well as the surrounding built-out 170 acres is subject to flooding and liquefaction and a 30 to 45 foot deep flood protection device must be built on the project site. All likely feasible geotechnically sound alternatives for the required structure would impact the mapped archaeological site since it has to tie into the bluff and the archaeological site is located at the edge of the bluff. However, staff objected to the proposed ARD due to the avoidable significant impacts to any intact midden and/or features that may be present on the project site and did not have as a goal the avoidance of impacts to any archaeological resources that may be present on the site. Instead the applicant has applied to carry out a combined geotechnical and archaeological investigation since the area is designated and zoned as open space and the only development that would be allowed in the archaeological site is a subsurface flood protection device. The goal of the geotechnical investigation is to find an alignment that is geotechnically sound but that also minimizes impacts to any intact midden or significant features, if they are present. If any intact midden or significant features are encountered, the proposed trenching and auguring must be redirected to avoid further impacts to the intact midden or significant features.

For these reasons the Commission finds that the proposed combined geotechnical and archaeological investigation, as conditioned, is consistent with Section 30244 of the Coastal Act and the recent action on the Huntington Beach (Parkside) LCP amendments.

C. Protection of Biological Resources

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Additionally, the certified Land Use Plan, Table C-2 (Community District and Subarea Schedule), subarea 4-K for the Parkside Estates area, contains the following Design and Development Standards and Principles:

Open Space-Conservation:

A. Wetlands:

Only those uses described in Coastal Element Policy C 6.1.20 shall be allowed within existing and restored wetlands.

All development shall assure the continuance of the habitat value and function of wetlands.

Wetland Buffer Area:

A buffer area is required along the perimeter of wetlands to provide a separation between development impacts and habitat areas and to function as transitional habitat. The buffer shall be of sufficient size to ensure the biological integrity and preservation of the wetland the buffer is designed to protect.

A minimum buffer width of 100 feet shall be established.

Uses allowed within the wetland buffer are limited to:

- 1) those uses allowed within wetlands per Coastal Element Policy C 6.1.20;*
- 2) a vegetated flood protection levee is a potential allowable use if, due to siting and design constraints, location in the wetland buffer is unavoidable, and the levee is the most protective of coastal resources including wetland and ESHA;*
- 3) No active park uses (e.g. tot lots, playing fields, picnic tables, bike paths, etc.) shall be allowed within 100 feet of wetlands preserved in the Open Space Conservation area.*

B. Environmentally Sensitive Habitat Areas:

Only uses dependent on the resource shall be allowed.

Environmentally Sensitive Habitat Areas (ESHA) Buffers:

A buffer area is required along the perimeter of the ESHA and is required to be of sufficient size to ensure the biological integrity and preservation of the ESHA the buffer is designed to protect.

A minimum buffer width of 297 to 650 feet shall be established between residential development or active park use and raptor habitat within the eucalyptus groves.

Uses allowed within the ESHA buffer are limited to:

- 1) uses dependent on the resource;*
- 2) wetland and upland habitat restoration and management;*

3) vegetated flood protection levee that is the most protective of coastal resources including wetland and ESHA;

4) within the northern grove ESHA buffer only – passive park use may be allowed if it is more than 150 feet from the ESHA, but only when it is outside all wetland and wetland buffer areas, and does not include any uses that would be disruptive to the ESHA. Uses allowed within the passive park areas shall be limited to:

a. nature trails and benches for passive recreation, education, and nature study;

b. habitat enhancement, restoration, creation and management.

5) within the southern grove ESHA buffer only - a water quality Natural Treatment System may be allowed so long as it is located in an area that is most protective of coastal resources and at least 246 feet from the ESHA.

6) In addition to the required ESHA buffer, grading shall be prohibited within 500 feet of an occupied raptor nest during the breeding season (considered to be from February 15 through August 31);

As stated the proposed project includes the grading of a temporary trench and mechanical augering within the Eucalyptus ESHA buffers and the AP wetland buffer for the purpose of determining the alignment of the future VFPP. In the Commission's November 14, 2007 action approving the Parkside LUP amendment the Commission established a 100 foot wide wetlands buffer and 297 to 650 foot wide Eucalyptus ESHA buffer, as shown in the above development standards. The northern boundary of the proposed trench would be 375 feet from the northern Eucalyptus ESHA, the southern boundary of the trench is 150 feet from the southern Eucalyptus ESHA, and is approximately 75 feet from the AP wetland (Exhibit 3). The proposed chain link fence that demarcates the work area is closer to the ESHA and wetlands areas but do not encroach into the ESHA or wetlands areas.

The Coastal Act requires that development adjacent to ESHAs not adversely impact the ESHA. The LUP allows the construction of a VFPP in the wetland and ESHA buffers, if it is determined to be designed and sited to be most protective of the resources. The proposed temporary development is to determine the geotechnically feasible location and design of the future VFPP. As proposed and as conditioned to fence the work area and not allow encroachments into the adjacent wetlands and ESHAs, to conform to the construction staging plan and to practice BMPs and GHPs to prevent run-off into the adjacent habitat areas, the proposed project protects the adjacent ESHA and wetlands and minimizes impacts to the ESHA and wetlands buffers they are located within.

The Coastal Act requires that ESHA habitat be protected against any significant disruption of habitat values, including noise impacts. Accordingly, the LUP requires that any nesting raptors be protected from construction noise, including grading and mechanical augering. The certified LUP prohibits construction within 500 feet of an occupied nest during the nesting season (February 15 – August 31). According to the applicant, the proposed project will take approximately 5 to 7 business days to excavate and backfill the proposed trench and an additional 4 to 5 days following the backfilling of the trench to complete the mechanical augering. The applicant is anxious to complete the proposed work so that he can go forward with the pending Parkside development application and therefore plans to start the proposed project as soon as possible. The nesting season officially begins one week following the Commission action on this application. However, because it is early in the season the likelihood that raptor nesting will have begun prior to the completion of this project is doubtful. However, the project is conditioned to survey all trees within 500 feet of the work area prior to grading and or mechanical augering and refrain from any work if there are any occupied raptor nests during the season. As conditioned the proposed project is consistent with Section 30240(a) of the Coastal Act and the certified LUP.

Southern Tar plant

Also, Southern tar plant (*Centromedia parryi* ssp. *Australis*), a California Native Plant Society “1b.1” species (seriously endangered in California), also exists at the site. However, the Southern tar plant exists in scattered areas on the site. A focused survey documented the presence of 42 individuals, distributed in 6 locations (Exhibit 4). As a part of the deliberations of LCP Amendment HNB-MAJ-1-06(Parkside Estates), the Commission's staff ecologist, concluded that Southern tar plant on the subject site met the Coastal Act definition of ESHA. Regarding the Southern tar plant, the staff ecologist stated: “In contrast to the habitats on the Bolsa Chica mesa, the scattered areas containing southern tar plant on the Parkside property do not appear to be significant habitat for this species, and it is my opinion that these areas do not meet the definition of ESHA under the Coastal Act. In any case, the southern tar plant on site will be retained within the Open Space Conservation designation as approved by the subject LCP Amendment.

As conditioned to reserve the southern tar plant for future relocation within the permanent open space area the proposed project is consistent with Chapter 3 policies of the Coastal Act requiring protection of and the Commission's action on the recently certified Land Use Plan amendment.

D. Protection of Marine Resources

Coastal Act Sections 30230 and 30231 require the protection of marine resources and state:

Section 30230

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

Section 30231

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

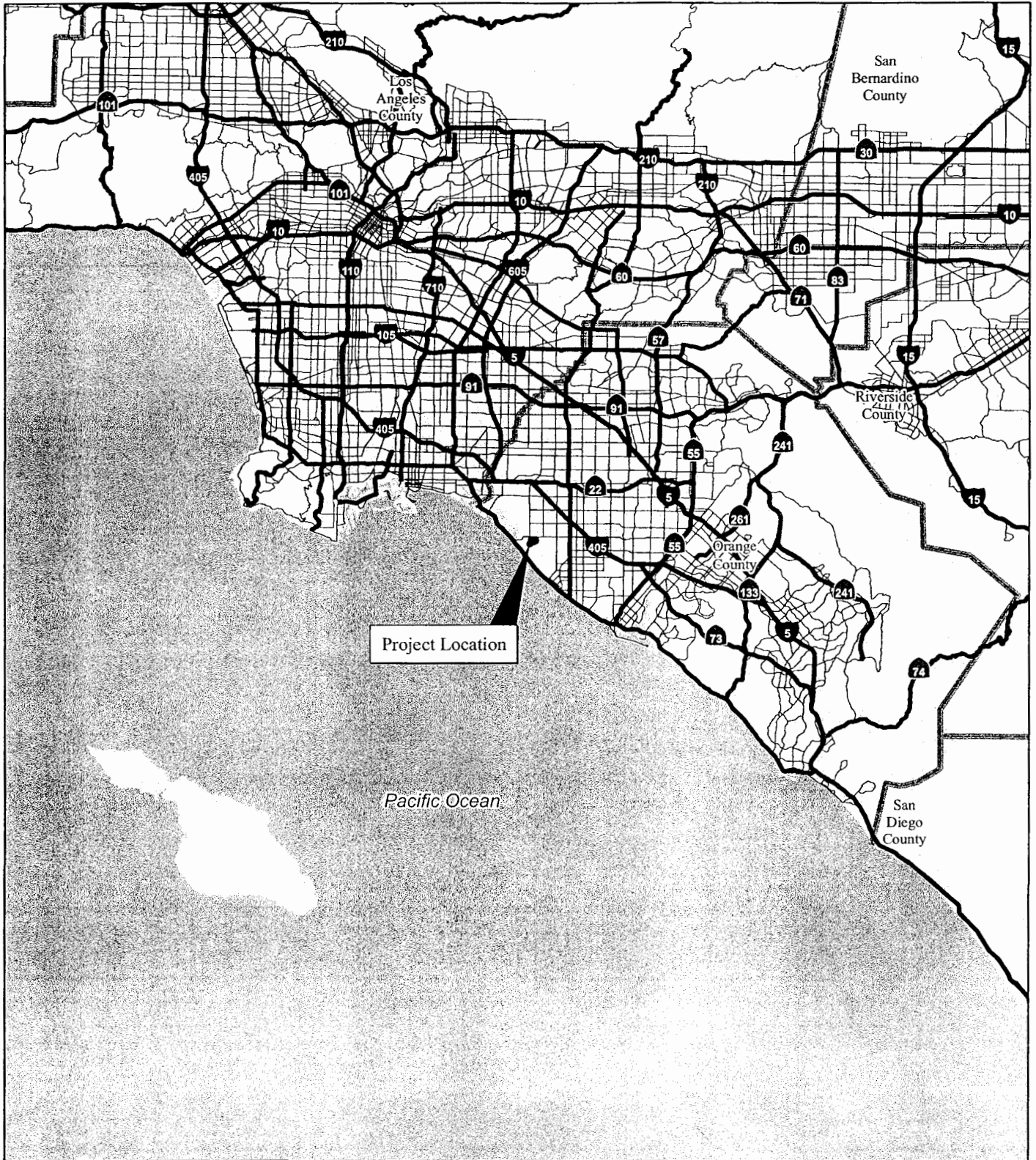
As conditioned the proposed project will use standard construction best management practices (BMPs) and good housekeeping measures (GHMs) to prevent erosion and runoff of excavated soil into the adjacent restored Bolsa Chica Wetlands. The project is therefore consistent with the marine resources protection policies of the Coastal Act and the LCP.

E. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned to the submittal of grading plans that are substantial conformance with the proposed project description; (2) conformance with the proposed construction staging plan in order to avoid impacts to the adjacent ESHA and wetland areas and minimize impacts to the ESHA and wetland buffers; (3) that the applicant carry out the proposed geotechnical investigation in a manner that is most protective of the mapped archaeological site, as proposed in the January 17, 2011 project description as revised January 21, 2011; (4) that the Southern tar plant and seed bank within the work area be removed prior to grading and reserved within the fenced work area until it can be replanted in a permanent open space area in conjunction with the pending Parkside Estates development or a subsequent

coastal permit application; (5) the prohibition of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of grading or mechanical augering within 500 feet of an occupied raptor nest during the nesting season (February 15 through August 31); and the implementation of construction best management practices and good housekeeping practices to prevent impacts to the adjacent marine resources. There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



LEGEND


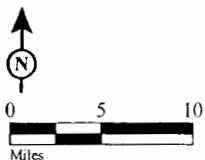
 Project Location

FIGURE 1



SOURCE: TBM (2008)

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Parkside Estates CDP

Project Vicinity Map

5-11-011 (Shea Homes)
Exhibit 1

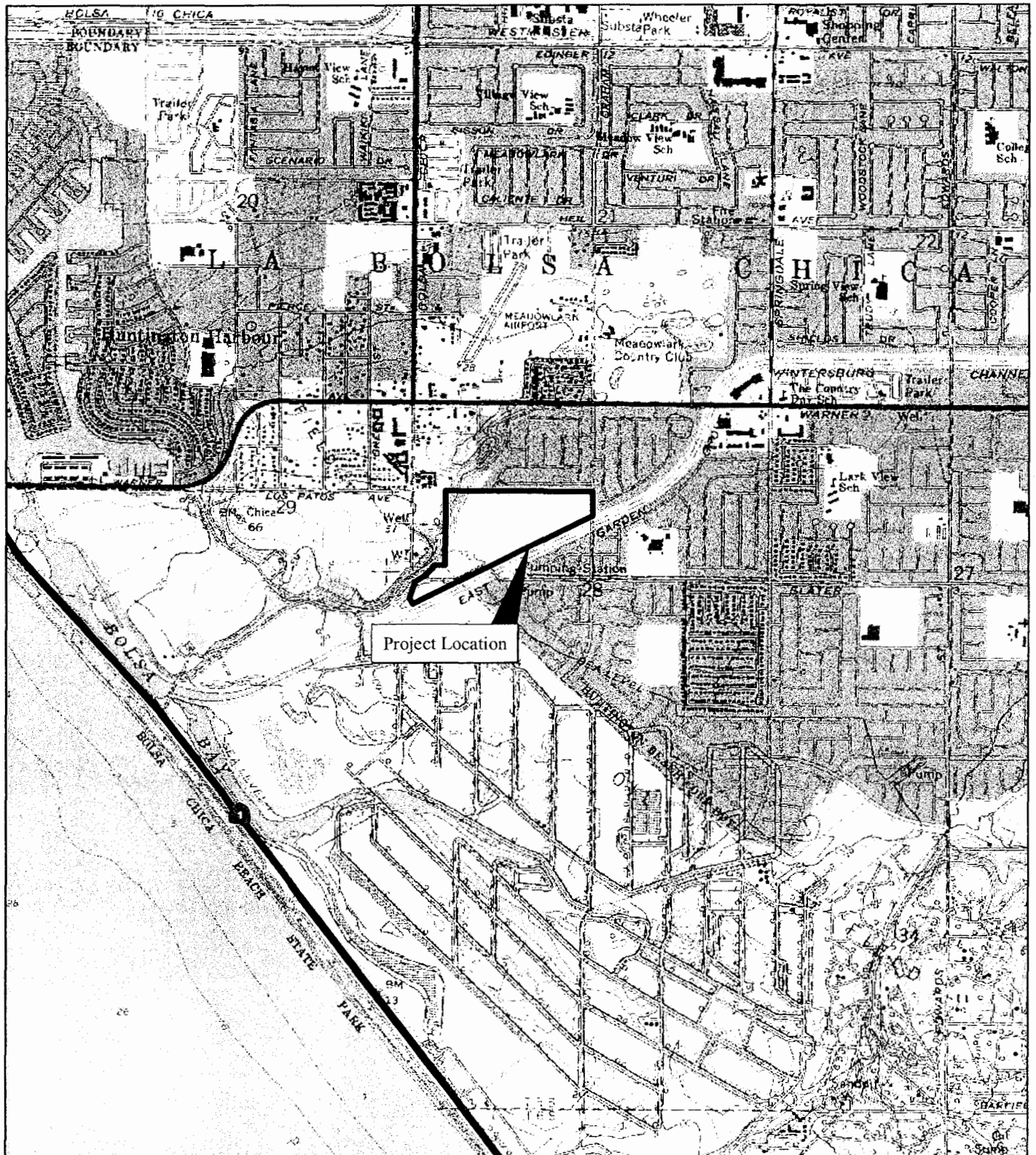

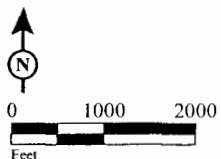


FIGURE 2

LEGEND

 Project Location



SOURCE: USGS 7.5' Quad. SEAL BEACH (81)
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Parkside Estates CDP
 Project Location Map

5-11-011 (Shea Homes)
 Exhibit 2

Parkside Estates
City of Huntington Beach



5-11-011 (Shea Homes)
Exhibit 3

SHEA Homes

12/20/2010



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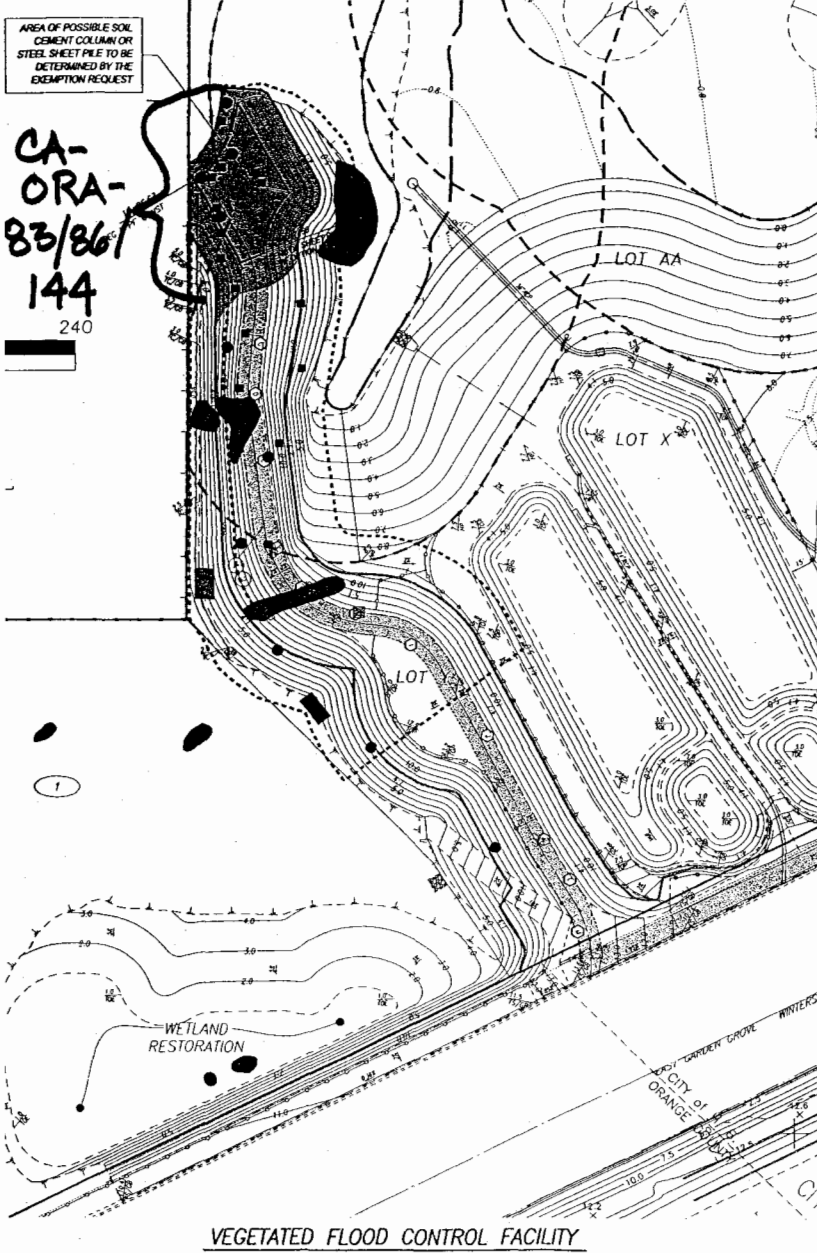
Source: Humaker & Associates Irvine, Inc.

Parkside Estates Exemption Request General Information - Figure 3

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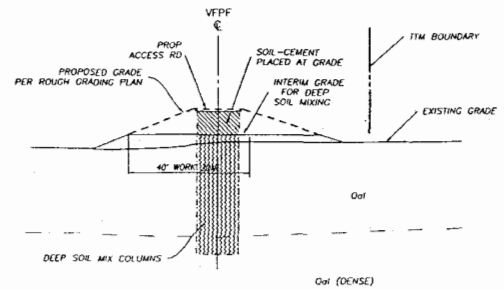
AREA OF POSSIBLE SOIL
CEMENT COLUMN OR
STEEL SHEET PILE TO BE
DETERMINED BY THE
EXEMPTION REQUEST

CA-
ORA-
83/86/
144
240



LEGEND

- GEOTECHNICAL WORK FENCING (6' CHAIN LINK)
- PROPOSED TRENCH
- LIMITS OF POTENTIAL SUBSURFACE STABILIZATION (AT 8' CONTOUR)
- PORTABLE TOILET
- PRIOR SHOVEL TEST PITS BY LSA
- PRIOR AUGER TEST HOLES BY LSA
- EQUIPMENT STAGING AREA
- SECURITY TRAILER
- SHEET PILE CAN BE USED IF WARRANTED BY THIS GEOTECHNICAL INVESTIGATION AND ARCHEOLOGICAL MONITORING
- 2009 SOUTHERN TAR PLANT LOCATIONS AND PLANT COUNTS



TYPICAL VFPF SECTION

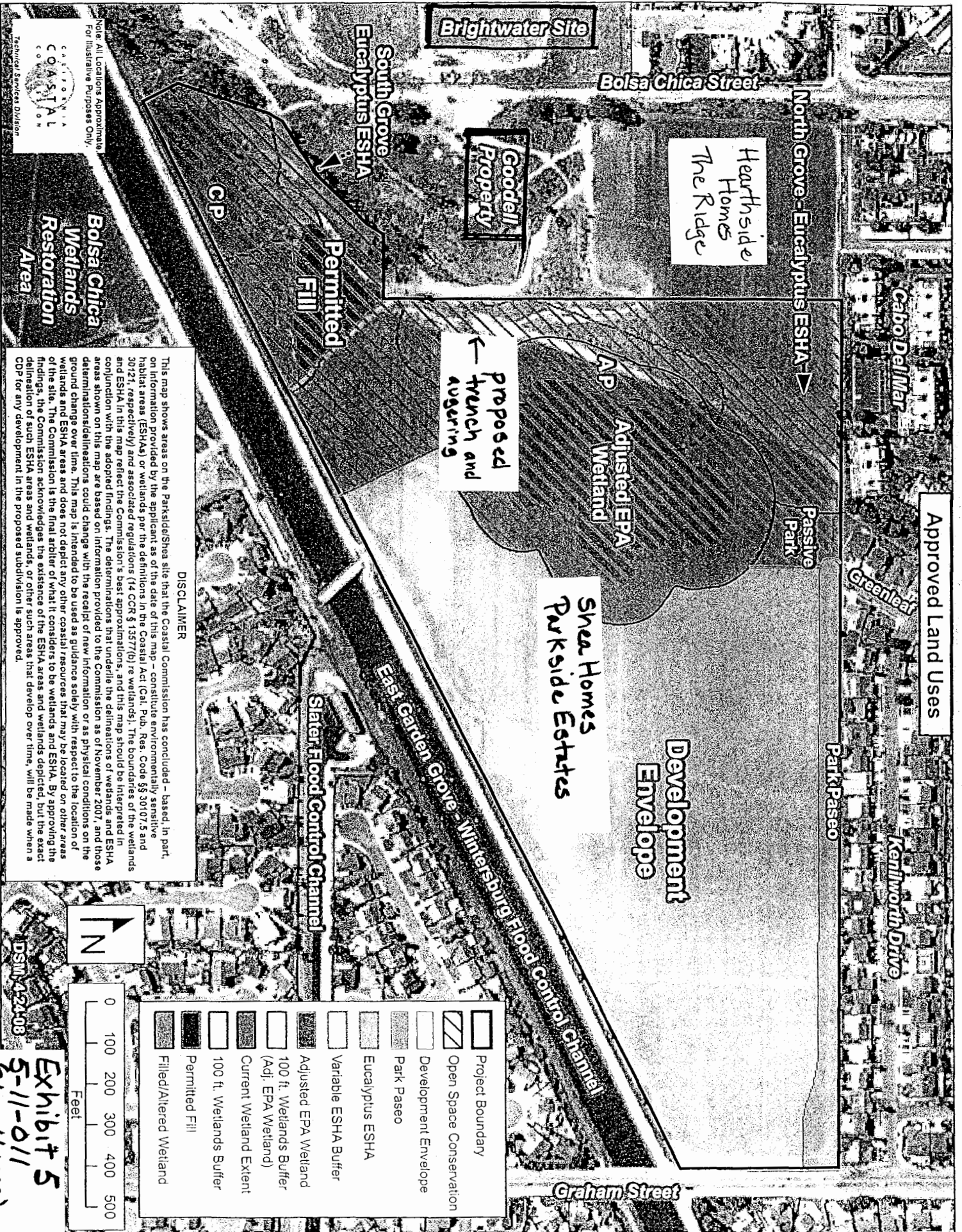
Parkside Estates Exemption Request Work Area FIGURE 4

DECEMBER 20, 2010

PLOTTED BY: rose DATE: Dec. 20, 2010 TIME: 02:35 PM

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5-11-011 (Shea Homes)
Exhibit 4



Approved Land Uses

Development Envelope

Shea Homes Parkside Estates

Adjusted EPA Wetland

Passive Park

Park Paseo

Cabo Del Mar

Kerlinworth Drive

Graham Street

Bolsa Chica Street

Brightwater Site

Goodell Property

Hearthside Homes The Ridge

North Grove - Eucalyptus ESHA

South Grove Eucalyptus ESHA

CP

Permitted Fill

Proposed trench and augering

East Garden Grove - Wintersburg Flood Control Channel

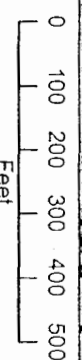
Slater Flood Control Channel

Bolsa Chica Wetlands Restoration Area

DISCLAIMER

This map shows areas on the Parkside/Shea site that the Coastal Commission has concluded - based, in part, on information provided by the applicant, as of the date of this map - constitute environmentally sensitive habitat areas (ESHAs) or wetlands per the definitions in the Coastal Act (Cal. Pub. Res. Code §§ 30107.5 and 30121, respectively) and associated regulations (14 CCR § 13577(b) re wetlands). The boundaries of the wetlands and ESHA in this map reflect the Commission's best approximations, and this map should be interpreted in conjunction with the adopted findings. The determinations that underlie the delineations of wetlands and ESHA areas shown on this map are based on information provided to the Commission as of November 2007, and those determinations/delineations could change with the receipt of new information or as physical conditions on the ground change over time. This map is intended to be used as guidance solely with respect to the location of wetlands and ESHA areas and does not depict any other coastal resources that may be located on other areas of the site. The Commission is the final arbiter of what it considers to be wetlands and ESHA. By approving the findings, the Commission acknowledges the existence of the ESHA areas and wetlands depicted, but the exact delineation of such ESHA areas and wetlands, or other such areas that develop over time, will be made when a CDP for any development in the proposed subdivision is approved.

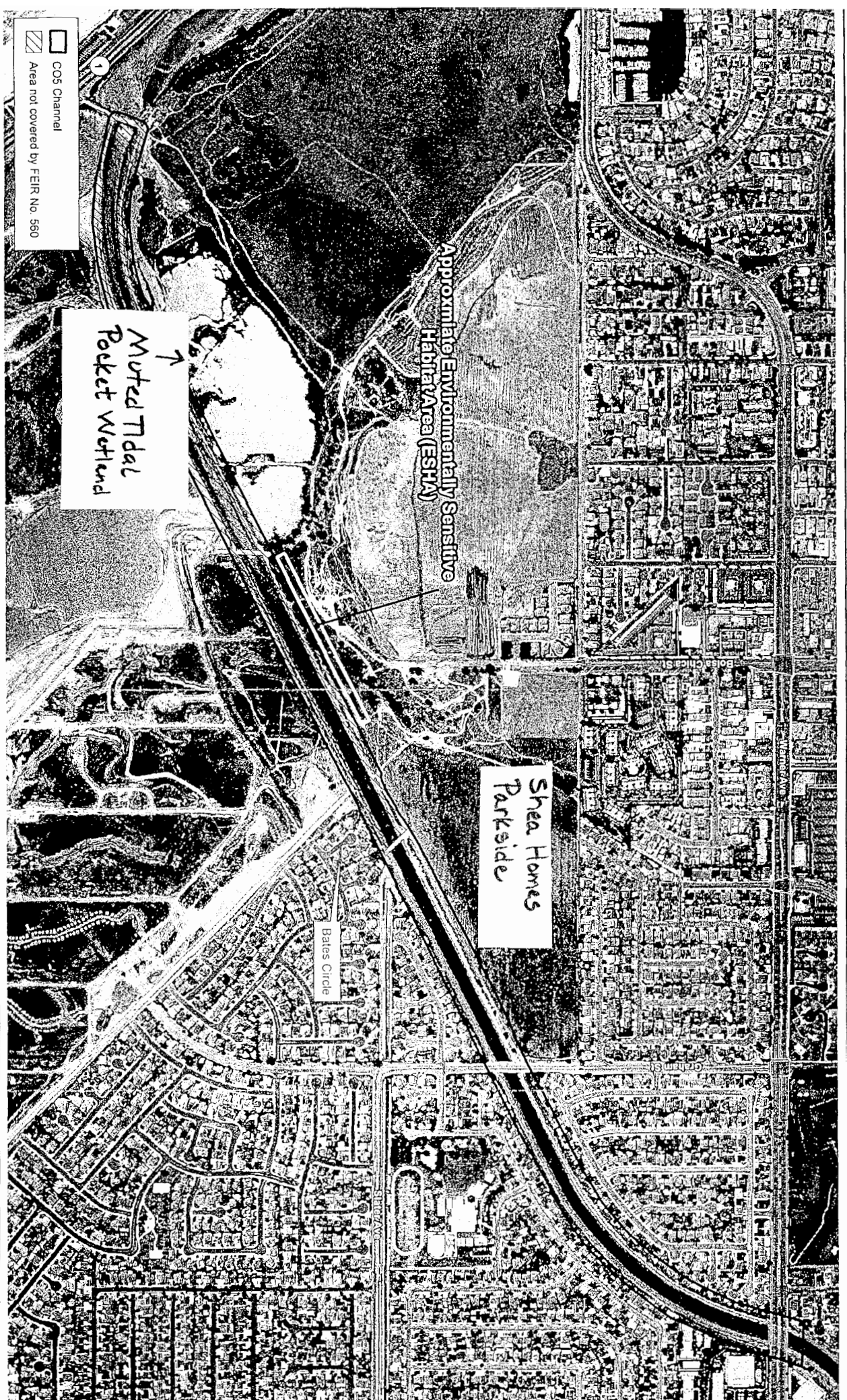
Note: All Locations Approximate For Illustrative Purposes Only.



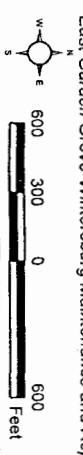
	Project Boundary
	Open Space Conservation
	Development Envelope
	Park Paseo
	Eucalyptus ESHA
	Variable ESHA Buffer
	Adjusted EPA Wetland
	100 ft. Wetlands Buffer (Adj. EPA Wetland)
	Current Wetland Extent
	100 ft. Wetlands Buffer
	Permitted Fill
	Filled/Altered Wetland

DSM 4-24-03

Exhibit 5
5-11-011
(Shea Homes)



- ☐ COS Channel
- ☒ Area not covered by FEIR No. 560



Environmentally Sensitive Habitat Area (ESHA)

East Garden Grove-Wintersburg Maintenance and Repair Project (Tide Gates to Warner Avenue)

Exhibit 6
5-11-011

- 1 Mined Tidal high water over flow weir
 - 2 Seasonal Pond drainage weir
 - 3 Seasonal Pond Control Structure: Outflow culverts with flap gates. An intake culvert to allow water to flow from Freeman Creek into the Seasonal Ponds is connected by a sluice gate on the Freeman Creek side.
 - 4 Freeman Creek Control Structure: Outflow culverts with flap gates to release flow from Freeman Creek and the Springdale Pump Station into the Full Tidal Basin. An intake culvert to allow water to flow from the Full Tidal Basin into the Freeman Creek is controlled by a sluice gate on the Freeman Creek side.
 - 5 West Coast and East Coast Pumping Stations: Two flow from the Full Tidal Basin into the mine. Mined Tidal water is released from the RTB to the MTR through culverts protected by a sluice gate. The Full Tidal Basin water is released from the RTB to the MTR through culverts protected by a sluice gate. The Full Tidal Basin water is released from the RTB to the MTR through culverts protected by a sluice gate.
 - 6 Outfall from mining with recovery points on both sides of the channel to deploy boom areas and during emergency of spill response.
 - 7 25 year return period PCH drainage retention basin (the Inlet Basin).
 - 8 Three connections:
 - a) Flap gates connect Full Tidal Basin to Mined Tidal Basin.
 - b) Flap gates allow water from ECDW road channel to enter Outer Balsa Bay.
 - c) A culvert connects Full Tidal Outer Balsa Bay to Mined Tidal Basin.
 - 9 Seasonal restriction on access due to breeding birds and at dry.
 - 10 Seasonal Ponds Map-Ship
 - 11 Mined Tidal Reservoir on Outer Balsa Bay and Huntington Harbor.
 - 12 Full Tidal Reservoir on Huntington Harbor
 - 13 Culverts under roads in the Mined Tidal Basin which can be closed with flap gates.
 - 14 Culverts in Seasonal Pond areas connecting various cells to facilitate draining and filling through the Freeman Creek Control Structure.
- Note: State property is in County jurisdiction adjacent houses are in the City of Huntington Beach.

UNITED STATES
Department of the Interior

Boisa Chica Wetland - Physical Features

- 100 Cell number
- 101 Project Mined Tidal Basins
- 102 Wetland Mined Tidal Basins
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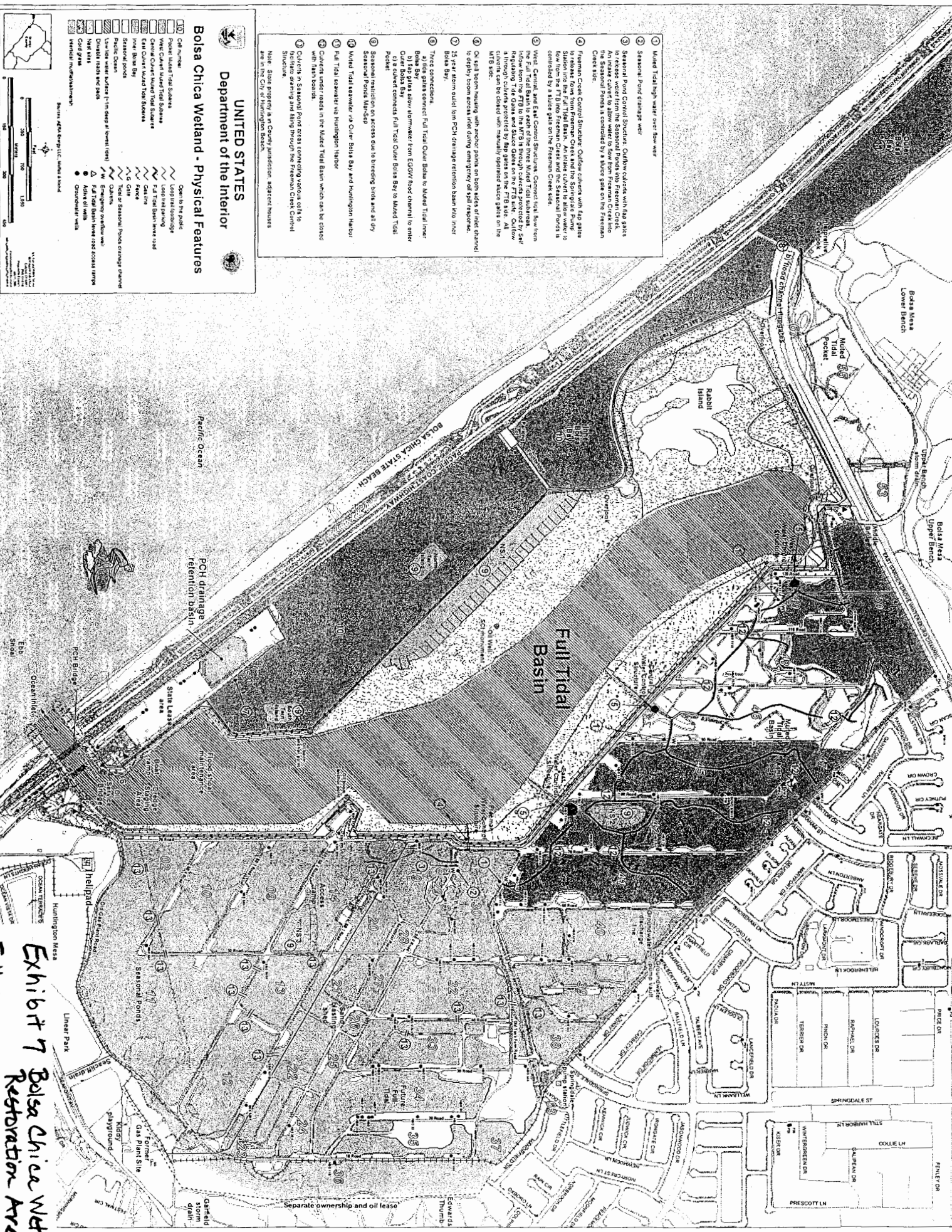


Exhibit 7 Boisa Chica Wetland Restoration Area
 5-11-A11